

PUBLIC NOTICE

BE IT RESOLVED, that the Common Council of the City of Rome does hereby authorize the City Clerk of the City of Rome to advertise notice of a public hearing with regard to approving the annual budget for the year 2017, said public hearing to be held on the 12th day of October, 2016 at 6:30 pm, in the Common Council Chambers, City Hall, Rome, New York, at which time and place all interested persons will be heard thereon.

Louise S. Glasso, CMC
City Clerk

Rome Sentinel Co.

To Appear: October 3, 2015

Dated: September 29, 2016

ONE (1) TIME



OFFICE OF THE COMMON COUNCIL

Stephanie Viscelli
President

Louise S. Glasso
City Clerk

Rome City Hall
198 N. Washington St.
Rome, NY 13440
www.romenewyork.com

Lori A. Trifeletti ♦ 1st Ward Sharie Fiorini-Parsons ♦ 4th Ward
John B. Mortise ♦ 2nd Ward Frank R. Anderson ♦ 5th Ward
Kimberly Rogers ♦ 3rd Ward Riccardo D. Dursi, Jr. ♦ 6th Ward
Lou DiMarco, Jr. ♦ 7th Ward

COMMON COUNCIL MEETING REGULAR SESSION

OCTOBER 12, 2016
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 Rome Police Quarterly Training Report for July 2016 – September 2016 is on file in the City Clerk's Office.
- Copper City Ultra Lounge has notified the City Clerk's office of their application for a liquor license at location 701 E. Dominick St.

8. NOTICES

- Budget Review – 5:00 pm with Department of Public Works

9. REPORT OF CITY OFFICIALS

10. REPORT OF COUNCILORS AND GENERAL CITY AFFAIRS

11. PRESENTING OF REPORT OF COMMITTEES

12. RESOLUTIONS

RES. NO. 123

A

APPOINTING COMMISSIONERS OF DEEDS. Glasso

RES. NO. 124

C

ACCEPTING DONATIONS PRESENTED TO THE CITY OF ROME DEPARTMENT OF PARKS AND RECREATION FOR SPONSORSHIP OF THE 2016 CHRISTMAS TREE LIGHTING CEREMONY FIREWORKS SHOW (\$1,500.00). Korpela

RES. NO. 125

D

AUTHORIZATION TO SET UP A SPECIAL ACCOUNT AND ACCEPT DONATIONS FOR PURCHASE OF EQUIPMENT FOR THE ROME FIRE DEPARTMENT (\$3,000.00). Brement

RES. NO. 126

F

CANCELLING CERTAIN COMMON COUNCIL MEETINGS. Viscelli

RES. NO. 127

H

RESOLUTION CONCERNING THE ESTABLISHMENT OF THE GREATER MOHAWK VALLEY LAND BANK CORPORATION AND APPOINTING REPRESENTATIVE TO SERVE ON GREATER MOHAWK VALLEY LAND BANK BOARD. Domenico

13. ORDINANCES

Current Legislation

ORD. NO. 9116

E

AUTHORIZING THE CLOSING OF STREETS FOR THE ANNUAL WINTER HOLIDAY CHRISTMAS TREE LIGHTING CEREMONY. Korpela

ORD. NO. 9117

G

BOND ORDINANCE OF THE CITY OF ROME, ONEIDA COUNTY, NEW YORK, AUTHORIZING THE ISSUANCE OF \$250,000 ADDITIONAL SERIAL BONDS TO PAY COSTS OF IMPROVEMENTS TO THE CITY SEWER SYSTEM (MARTIN STREET SEWER PROJECT). Schmidt

15. TABLED LEGISLATION

RES. NO. 122

H

RESOLUTION CONCERNING THE ESTABLISHMENT OF THE GREATER MOHAWK VALLEY LAND BANK CORPORATION AND APPOINTING REPRESENTATIVE TO SERVE ON GREATER MOHAWK VALLEY LAND BANK BOARD. Domenico

ORD. NO. 9115A

B

APPROVING THE ANNUAL BUDGET FOR THE YEAR 2017.

17. ADJOURNMENT

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

THE NEXT SCHEDULED COMMON COUNCIL MEETING IS OCTOBER 26, 2016.

RESOLUTION NO. 123

APPOINTING COMMISSIONERS OF DEEDS

By Councilor _____:

BE IT RESOLVED, by the Common Council of the City of Rome that the following individuals be and are hereby appointed Commissioner of Deeds for the City of Rome, New York, for a term to expire December 31, 2018:

- | | |
|-----------------------|-----------------------|
| Linda M. DeProspero | 815 Roosevelt Ave. |
| Gerald J. Fiorini | 1800 Bedford St. |
| Jacqueline M. Izzo | 198 N. Washington St. |
| M. Tedd Kehoe | 1210 N. James St. |
| Georgine A. Luczynski | 730 W. Liberty St. |
| Bruce S. Melnick | 210 Clark St. |
| John Nash | 1318 Craig St. |
| Maureen Nash | 1318 Craig St. |
| Heather Pacicca | 802 Croton St. |
| Derek Pomento | 8704 Emerald Lane |
| Frederick Schmidt | 7331 Seifert Rd. |
| Eric R. Seelig | 508 Mayberry Rd. |
| Lori A. Trifeletti | 101 Parkway |
| Kimberly Vaughn | 327 Nassau St. |

and,

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

Seconded by Councilor _____.

AYES & NAYS: Trifeletti___ Mortise___ Rogers___ Parsons___ Anderson___
Dursi___ DiMarco___

ADOPTED:

DEFEATED:

RESOLUTION NO. 124

ACCEPTING DONATIONS PRESENTED TO THE CITY OF ROME
DEPARTMENT OF PARKS AND RECREATION FOR SPONSORSHIP OF THE 2016
CHRISTMAS TREE LIGHTING CEREMONY FIREWORKS SHOW (\$1,500.00)

By Councilor _____:

WHEREAS, the following individuals have contacted the City of Rome Department of Parks and Recreation with monetary donations for the sponsorship of the Christmas Tree Lighting Ceremony fireworks show, to be held on November 25, 2016:

Joe Fazio	\$750.00
Bobby Page Foundation	\$750.00; and

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

BE IT RESOLVED, by the Common Council of the City of Rome, New York, that the above referenced monetary donations shall be gratefully accepted by the City of Rome for the sponsorship of the Christmas Tree Lighting Ceremony, to be held on November 25, 2016; and

BE IT FURTHER RESOLVED, that the Common Council hereby expresses its appreciation to: Joe Fazio and Bobby Page Foundation for their monetary donations, to be used for the sponsorship of the Christmas Tree Lighting Ceremony.

Seconded by Councilor _____.

AYES & NAYS: Trifeletti___ Mortise___ Rogers___ Parsons___ Anderson___
Dursi___ DiMarco___

ADOPTED:

DEFEATED:

RESOLUTION NO. 126

CANCELLING CERTAIN COMMON COUNCIL MEETINGS

By Councilor _____:

WHEREAS, President of the Common Council, Stephanie Viscelli, has requested that the Common Council meetings currently scheduled for November 23, 2016 (Holiday Week) and December 28, 2016 (Holiday Week) be cancelled; now, therefore,

BE IT RESOLVED, that the Common Council meetings currently scheduled for November 23, 2016 (Holiday Week) and December 28, 2016 (Holiday Week) be and the same are hereby cancelled; and

BE IT FURTHER RESOLVED, that there will be one (1) regularly scheduled Common Council meeting to be held on November 9, 2016 and one (1) regularly scheduled Common Council Meeting to be held on December 14, 2016.

Seconded by Councilor _____.

AYES & NAYS: Trifeletti___ Mortise___ Rogers___ Parsons___ Anderson___
 Dursi___ DiMarco___

ADOPTED:

DEFEATED:

RESOLUTION NO. 127

RESOLUTION CONCERNING THE ESTABLISHMENT OF THE GREATER MOHAWK VALLEY LAND BANK CORPORATION AND APPOINTING REPRESENTATIVE TO SERVE ON GREATER MOHAWK VALLEY LAND BANK BOARD

By Councilor _____:

WHEREAS, New York State has recognized the need to provide new tools and innovative solutions to address deteriorated, abandoned and tax-delinquent properties and the blight they inflict upon communities; and

WHEREAS, New York State acknowledges the risks to public health and safety caused by seriously derelict properties; and

WHEREAS, land banks allow and provide a mechanism for the re-development, repair, improvement, or in appropriate situations, deconstruction of blighted properties; and

WHEREAS, land banks have now been firmly established nationally, with a success record in helping to ameliorate the above negative impacts; and

WHEREAS, in recognition of same and in order to revitalize and strengthen local communities and economies New York State has adopted a Land Bank Act (“Not-for-Profit” Corporation Law, Article 16); and

WHEREAS, a number of communities in the Greater Mohawk Valley with the direction and encouragement of the Mohawk Valley Economic Development District (“MVEDD”), desire to create a regional land bank in order to efficiently and effectively address blight across the Greater Mohawk Valley; and

WHEREAS, in accordance with the provisions of the Land Bank Act, it is necessary to adopt a resolution establishing the Greater Mohawk Valley Land Bank Corporation (“GMVLB”) on behalf of the City of Rome and the other signatories, and addressing certain other requirements relating to the structure and function of the GMVLB; now, therefore

BE IT RESOLVED, by the Common Council of the City of Rome, that the City of Rome, New York hereby establishes and authorizes the creation of a regional land bank, as follows:

1. Name of the land bank: Greater Mohawk Valley Land Bank Corporation;
2. Number of initial members of the board of directors: 9

3. The initial individuals to serve on the GMVLB board and their initial terms of office are:
 - (a) Appointed by the Chairman of the Legislature, confirmed by the Herkimer County Legislature:
Raymond Johnson (County Legislator), initial term of 2-years;
Kurt Ackerman (County Legislator), initial term of 1-year;
 - (b) Appointed by the County Executive of Montgomery County:
Karl Gustafson (Office of the Executive), initial term of 2-years;
 - (c) Appointed by Chairman of the Board of Representatives of Otsego County, confirmed by Resolution of the Board:
Margaret M. Kennedy (County Representative), initial term of 2-years;
Craig Gelbsman (County Representative), initial term of 1-year;
 - (d) Appointed by Chairman of the Board of Supervisors, confirmed by Resolution of the Board of Schoharie County:
Steven Wilson (County Administrator), initial term of 2-years;
 - (e) Appointed by the Mayor of the City of Rome, confirmed by the Common Council of the City of Rome:
Mark Domenico (Chief Code Enforcement Officer), initial term of 1-year;
 - (f) Appointed by the Mayor of the City of Utica:
Brian Thomas (Commissioner, Urban & Economic Development); initial term of 2-years;
 - (g) Appointed by the Common Council of the City of Utica:
Joseph A. Marino (Chair, Economic Development Committee), initial term of 1-year;
4. Board members must be a resident of the county or city from which they are appointed. Each of the joining counties and the joining cities will be entitled to have the number of members on the board of directors as listed above. The regular terms of office of members of the board shall be 2 years, in addition to any partial term for which a member is appointed to fill a vacancy.
5. The proposed articles of incorporation of the GMVLB, which are attached hereto and made part hereof, are approved for inclusion in the application for the GMVLB which is to be sent to Empire State Development.

INTERMUNICIPAL AGREEMENT

BETWEEN

**THE COUNTIES OF HERKIMER, MONTGOMERY, OTSEGO and SCHOHARIE, all of
NY**

AND

THE CITIES OF ROME and UTICA, all of NY,

FOR THE CREATION OF THE

GREATER MOHAWK VALLEY LAND BANK

(a New York Land Bank)

PREAMBLE

This intermunicipal agreement made and entered into this ___ day of _____, 2016 (“Agreement”) under the New York Land Bank Act, Article 16 of the New York Not-for-Profit Corporation Law, between **THE COUNTIES OF HERKIMER, MONTGOMERY, OTSEGO and SCHOHARIE, all of NY** (hereinafter the “Counties”) and the **CITIES OF ROME and UTICA, all of NY** (hereinafter the “Cities”) (hereinafter collectively referred to as the “Parties”) for the purpose of establishing and creating the **GREATER MOHAWK VALLEY LAND BANK (“GMVLB”)**, a type C not-for-profit corporation to administer and implement the purposes and objectives of this Agreement.

RECITALS

WHEREAS, in enacting the New York Land Bank Act as Article 16 of the New York Not-for-Profit Corporation Law (hereinafter the “Land Bank Act”), the Legislature found that there exists in the State of New York a continuing need to strengthen and revitalize the economy of the State of New York and communities in this state and that it is in the best interests of the State of New York and communities in this state to confront the problems caused by vacant, abandoned and tax delinquent properties through the creation of land banks in a coordinated manner to foster the development of that property and to promote economic growth;

WHEREAS, § 1603 of the Land Bank Act permits any or any two or more foreclosing governmental units to enter into an intergovernmental cooperation agreement to establish a land bank.;

WHEREAS, the Parties herein agree that the establishment of a land bank would be beneficial to the Parties and their residents; and

WHEREAS, the Parties desire to create the GMVLB as a type C not-for-profit corporation to operate as a land bank in accordance with the Land Bank Act and to exercise the powers, duties, functions, and responsibilities of a land bank under the Land Bank Act.

Accordingly, the Parties agree to the following:

ARTICLE I **DEFINITIONS**

As used in this Agreement the following terms shall have the meanings provided in this Article.

Section 1.01. “Board of Directors” or “Board” means the Board of Directors of the Land Bank, and **“Corporation Director”** means a person who is appointed to such Board.

Section 1.02. "Agreement" means this intermunicipal agreement between the Parties.

Section 1.03. "Effective Date" means the date upon which all of the following are satisfied:

- (a) the Agreement is approved by resolution of each of the before-named County Boards and Legislatures;
- (b) the Agreement is approved by resolution, ordinance, or local law of the Common Council of each of the before-named Cities; and
- (c) the creation of the GMVLB is approved by the Empire State Development Corporation in accordance with Section 1603(g) of the Land Bank Act.

Section 1.04. "Fiscal Year" means the fiscal year of the Land Bank, which shall begin on January 1st of each year and end on the following December 31st.

Section 1.05. "Land Bank Act" means Article 16 of the New York Not-for-Profit Corporation Law and as it may be hereafter amended or replaced, subject to the provisions of Section 10.11 of this Agreement.

Section 1.06. "Land Bank" means the type C not-for-profit corporation established pursuant to and in accordance with the provisions of this Agreement and known as the Greater Mohawk Valley Land Bank, or GMVLB.

Section 1.07. "Party" or "Parties" means either individually or collectively, as applicable, the above-named cities and counties.

Section 1.08. "Person" means an individual, authority, limited liability company, partnership, firm, corporation, organization, association, joint venture, trust, governmental entity, or other legal entity.

Section 1.09. "Quorum" means a majority of the Corporation Directors, not including vacancies.

Section 1.10. "Real Property" means all lands and the buildings thereon, all things permanently attached to land or to the buildings thereon, and any interest existing in, issuing out of, or dependent upon land or the buildings thereon.

Section 1.11. "Tax Delinquent Property" means real property encumbered by an outstanding tax lien for a delinquent tax as defined in Section 1102 of the New York Real Property Tax Law, or such other general, special or local laws as may be applicable to the property tax enforcement procedures of the Parties.

Section 1.12. "State" means the state of New York.

ARTICLE II
PURPOSE

Section 2.01. Purpose. The purpose of this Agreement is to create the GMVLB to help address, in a coordinated manner, the Parties' problems and concerns regarding vacant and abandoned properties; to further foster the development of such property; and to promote economic growth through the return of vacant, abandoned, tax-foreclosed, and tax-delinquent properties to productive use.

Section 2.02. Powers and Functions. The GMVLB shall have all of those powers, duties, functions, and responsibilities authorized pursuant to the Land Bank Act.

Section 2.03. Intent. The intent of this agreement is to provide a fair and equitable distribution of funds among the members of the GMVLB to accomplish the purposes of the Land Bank.

ARTICLE III
CREATION OF LAND BANK

Section 3.01. Creation and Legal Status of Land Bank. The Land Bank is established pursuant to the Land Bank Act as a type C not-for-profit corporation to be known as the "Greater Mohawk Valley Land Bank" or "GMVLB."

Section 3.02. By-Laws, and Policies and Procedures. The Board shall adopt by-laws consistent with the provisions of this Agreement and the Land Bank Act within forty-five (45) days of the Effective Date. The Board shall adopt policies and procedures consistent with the provisions of this Agreement and the Land Bank Act within ninety (90) days of the Effective Date.

Section 3.03. Principal Office. The principal office of the Land Bank shall be determined by the Board but shall always be in a location within the geographical boundaries of the County of Herkimer.

Section 3.04. Title to Land Bank Assets. All Real Property held in fee by the Land Bank shall be held in its own name.

Section 3.05. Tax-Exempt Status. The Parties intend the activities of the Land Bank to be governmental functions carried out by an instrumentality or political subdivision of the State as described in section 115 of Title 26 of the United States Internal Revenue Code, or any corresponding provisions of any future tax code. The Real Property of the Land Bank and all of the Land Bank's income and operations shall be exempt from all taxation by the State of New York or any of its political subdivisions.

Section 3.06. Extinguishment of Taxes and Assessments. Upon the request of the Land Bank and for the purposes of fostering the goals and objectives of the Land Bank, any Party, at its option and in its discretion, may extinguish any Real Property Taxes or special assessments levied by that Party against Real Property owned by the Land Bank.

Section 3.07. Compliance with Law. The Land Bank shall comply with all federal, State, and local laws, ordinances, rules, regulations, and orders applicable to this Agreement.

Section 3.08. Relationship of Parties. The Parties agree that each of them shall not be responsible, in whole or in part, for the acts of the employees, agents, and servants of any of the other of them, whether acting separately or in conjunction with the implementation of this Agreement. The Parties shall only be bound and obligated under this Agreement as expressly agreed to by each Party. The Land Bank shall not obligate any of the cities or counties, nor shall any obligation of the Land Bank constitute an obligation of any city or county.

Section 3.09. No Third-Party Beneficiaries. Except as otherwise specifically provided, this Agreement does not create and is not intended to create in any non-Party, by implication or otherwise, any direct or indirect benefit, obligation, duty, promise, right to be indemnified (such as contractually, legally, equitably, or by implication), right to be subrogated to any Party's rights under this Agreement, and/or any other right or benefit.

ARTICLE IV **CORPORATION MEMBERS**

Section 4.01. Corporation Members. Foreclosing Governmental Units (FGUs) including the Counties of Herkimer, Montgomery, Otsego, Schoharie and the Cities of Rome and Utica, all of the State of New York, will comprise the GMVLB, and will be Corporation Members.

Section 4.02. Number. There will be six FGUs participating in the GMVLB.

Section 4.03. Size. Without the affirmative vote of all Corporation Members, there can be no increase in the number of Corporation Members of the GMVLB.

ARTICLE V **BOARD, EXECUTIVE DIRECTOR AND STAFF**

Section 5.01. Board Composition. The Land Bank shall be governed by a Board of Directors consisting of nine persons, each of whom shall be a Corporation Director. Each Corporation Director shall serve without compensation. Each Corporation Director shall continue to serve until the appointment and qualification of his or her successor. Vacancies in the Board occurring otherwise than by expiration of term shall be filled for the unexpired term.

The Corporation Directors shall be appointed as follows:

- (a) One (1) Corporation Director shall be appointed by the County Executive, Chairman or Supervisor of each County and confirmed by the respective County Legislature or Board;
- (b) One (1) Corporation Director shall be appointed by the Mayor of the City of Rome and confirmed by the Common Council of the City of Rome;

- (c) One (1) Corporation Director shall be appointed by the Mayor of the City of Utica.
- (d) One (1) Corporation Director who is a resident of Herkimer County shall be appointed by the Chairman of the Legislature and confirmed by the Herkimer County Legislature;
- (e) One (1) Corporation Director who is a resident of Otsego County shall be appointed by the Chairman of the Board of Representatives and confirmed by Resolution of the Otsego County Board of Representatives;
- (f) One (1) Corporation Director who is a Member of the Common Council of the City of Utica shall be appointed by the Common Council of the City of Utica;

Section 5.02. Initial Corporation Directors. The first term of the first Corporation Directors shall commence on the date of the first Board meeting. The initial Corporation Directors of the Board of the Land Bank shall be:

- (a) Appointed by the Chairman of the Legislature, confirmed by the Herkimer County Legislature:
Raymond Johnson (County Legislator); initial term of 2-years
Kurt Ackerman (County Legislator); initial term of 1-year
- (b) Appointed by the County Executive of Montgomery County:
Karl Gustafson (Office of the Executive); initial term of 2-years
- (c) Appointed by the Chairman of the Board of Representatives of Otsego County, confirmed by Resolution of the Board:
Margaret M. Kennedy (County Representative); initial term of 2-years
Craig Gelbsman (County Representative); initial term of 1-year
- (d) Appointed by Chairman of the Board of Supervisors, confirmed by Resolution of the Board of Schoharie County:
Steven Wilson (County Administrator); initial term of 2-years
- (e) Appointed by the Mayor of the City of Rome, confirmed by the Common Council of the City of Rome:
Mark Domenico (Chief Code Enforcement Officer); initial term of 1-year
- (f) Appointed by the Mayor of the City of Utica:
Brian Thomas (Commissioner, Urban & Economic Development); initial term of 2-years
- (g) Appointed by the Common Council of the City of Utica:
Joseph A. Marino (Chair, Economic Development Committee),
initial term of 1-year

Section 5.03 Term of Office. Except for the terms of the initial Corporation Directors as outlined in Section 5.02, the Corporation Directors appointed to succeed the initial Corporation Directors shall be appointed for a term of 2 years. In the event State law is amended to provide for different terms and/or composition of the Board, then the Board as it exists at the time of such amendment shall be authorized to take any action required such that the Board complies with any requirements of State law.

Section 5.04. Qualifications. All Corporation Directors of the Land Bank shall be residents of the county or city that nominated them.

Section 5.05. Removal. Corporation Directors serve at the pleasure of the appointing Party.

Section 5.06. Vacancies. A vacancy among the Corporation Directors appointed under section 5.01, whether caused by the death, resignation, or removal of a Corporation Director, shall be filled in the same manner as the original appointment for the balance of the unexpired term. Such vacancy shall be filled as soon as practicable.

Section 5.07. Meetings. The Board shall conduct its first meeting no later than thirty (30) calendar days after the Effective Date. The Board shall meet at least annually and shall hold such other meetings at the place, date, and time as the Board shall determine.

Section 5.08. Records of Meetings. The Board shall maintain minutes and a written record of each meeting. All meetings of the Board shall comply with the provisions of Section 1612(a) of the Land Bank Act and be subject to the New York Open Meetings Law and the New York Freedom of Information Law.

Section 5.09. Quorum and Voting. Presence for both quorum and voting at a Board meeting may include electronic communication subject to the New York Open Meetings Law. All actions of the Board shall be approved by the affirmative vote of a majority of the Corporation Directors present and voting; provided, however, no action of the Board shall be authorized on the following matters unless approved by a majority of the total Corporation Directorship:

- (a) Adoption of by-laws and other rules and regulations for conduct of the Land Bank's business;
- (b) Hiring or firing of any employee or contractor of the Land Bank. This function may, by a majority vote of the total Corporation Directorship, be delegated to a specific officer or committee of the Land Bank, under such terms and condition, and to the extent, that the Board may specify;
- (c) The incurring of debt;
- (d) Adoption or amendment of the annual budget; and
- (e) Sale, lease, encumbrance, or alienation of real property, improvements, or personal property.

Section 5.10. Board Responsibilities. The Board shall have all powers necessary to carry out and effectuate the purposes and provisions of this Agreement and the Land Bank Act, including all of those powers set forth in Section 1607 of the Land Bank Act.

Section 5.11. Fiduciary Duty. The Corporation Directors are under a fiduciary duty to conduct the activities and affairs of the Land Bank in the best interests of the Land Bank, including the safekeeping and use of all Land Bank monies and assets. The Corporation Directors shall discharge their duties in good faith, with the care an ordinarily prudent person in a like position would exercise under similar circumstances.

Section 5.12. Compensation. The Corporation Directors shall serve without compensation. The Board may reimburse any Corporation Director for expenses actually and reasonably incurred in the performance of duties on behalf of the Land Bank.

Section 5.13. Executive Director. The Board may select and retain an executive director. An executive director selected and retained by the Board shall administer the Land Bank in accordance with the operating budget adopted by the Board, general policy guidelines established by the Board, other applicable governmental procedures and policies, and this Agreement. The executive director shall be responsible for the day-to-day operations of the Land Bank, the control, management, and oversight of the Land Bank's functions, and supervision of all Land Bank employees. The executive director shall serve at the pleasure of the Board. The Board may delegate to the executive director any powers or duties it considers proper, subject to the constraints of Land Bank Act, and under such terms and conditions as the Board may specify.

Section 5.14. Employees. The Land Bank may employ or otherwise contract for the services of any staff deemed necessary to carry out the duties and responsibilities of the Land Bank. Such staff may be employed as employees of the Land Bank, or the services of such staff may be retained pursuant to contracts with any Party or other public or private entities.

Section 5.15. Conflicts of Interest. No Corporation Director, nor employee of the Land Bank, shall acquire any interest, direct or indirect, in Real Property of the Land Bank. No Corporation Director, or employee of the Land Bank, shall have any interest, direct or indirect, in any contract or proposed contract for materials or services to be furnished or used by the Land Bank. The Board shall establish policies and procedures requiring the disclosure of relationships that may give rise to a conflict of interest and may adopt ethical guidelines for Corporation Directors and employees of the Land Bank. The Board shall require that any Corporation Director with a direct or indirect interest in any matter before the Board disclose such interest to the Board before the Board takes any action on the matter.

ARTICLE VI

POWERS OF LAND BANK

Section 6.01. General Powers Under Land Bank Act. The Land Bank shall have all those powers necessary to carry out and effectuate the purposes and provisions of the Land Bank Act including, but not limited to, all those powers specified under Section 1607 of the Land Bank

Act, and all those other powers granted to Land Banks pursuant to the Land Bank Act or other statutory authority.

Section 6.02 Purchase of Tax Liens. The Land Bank may acquire liens relative to Tax Delinquent Property in accordance with Section 1616 of the Land Bank Act.

Section 6.03. Execution of Legal Documents Relating to Real Property. The terms of any contract or agreement concerning the sale, lease license, easement, encumbrance, or other alienation of any interest in Real Property, or improvements thereto, or personal property of the Land Bank, shall be approved by the Board. All contracts of the Land Bank shall be executed in the name of the Land Bank.

Section 6.04. Civil Action to Protect Land Bank Real Property. The Land Bank may institute a civil action to prevent, restrain, or enjoin the waste of or unlawful removal of any Real Property held by the Land Bank. The Land Bank may also institute any civil action to protect, clear title to, determine the rights of parties to, remove liens from, or that is otherwise related to the Real Property of the Land Bank.

Section 6.05. Transfer of Interests in Real Property by Land Bank. On terms and conditions, in a manner, and for an amount of consideration the Land Bank considers proper, fair, and reasonable, including for no monetary consideration, the Land Bank may convey, sell, transfer, exchange, lease as lessor, or otherwise dispose of Real Property or rights or interests in Real Property in which the Land Bank holds a legal interest to any public or private Person subject to the Public Authorities Law, and any other statutory requirements.

Section 6.06. Structure of Conveyances. Transactions shall be structured in a manner that permits the Land Bank to enforce contractual agreements, real covenants, and the provisions of any subordinate financing held by the Land Bank pertaining to development and use of the Real Property.

Section 6.07. Disposition of Proceeds. Any proceeds from the sale or transfer of Real Property by the Land Bank shall be retained, expended, or transferred by the Land Bank as determined by the Board in the best interests of the Land Bank and in accordance with the Land Bank Act.

ARTICLE VII RESTRICTIONS ON POWERS

Section 7.01. Eminent Domain Prohibited. The Land Bank shall neither possess nor exercise the power of eminent domain.

Section 7.04. Limitation on Political Activities. The Land Bank shall not spend any public funds on political activities. Subject to the foregoing, this section is not intended to prohibit the Land Bank from engaging in activities authorized by applicable law.

Section 7.05. No Waiver of Governmental Immunity. The Parties agree that no provision of the Agreement is intended, nor shall it be construed, as a waiver by any Party of any governmental immunity provided under any applicable law.

Section 7.06. Non-Discrimination. The Land Bank shall comply with all applicable laws prohibiting discrimination.

Section 7.07. Building and Housing Codes. The Land Bank shall maintain all Real Property held by the Land Bank in accordance with applicable State laws and local codes.

ARTICLE VIII **BOOKS, RECORDS, AND FINANCES**

Section 8.01. Land Bank Records. The Land Bank shall keep and maintain at the principal office of the Land Bank all documents and records of the Land Bank. All records of the Land Bank, subject to any claimed privilege, shall be made available to any Party. The records and documents shall be maintained until the termination of this Agreement and shall be delivered to any successor entity.

Section 8.02. Financial Statements and Reports. The Land Bank shall cause to be prepared, at the Land Bank's expense, audited financial statements (balance sheet, statement of revenue and expense, statement of cash flows, and changes in fund balance) on an annual basis. Such financial statements shall be prepared in accordance with generally accepted accounting principles and accompanied by a written opinion of an independent certified public accounting firm. The Land Bank shall be subject to audit by the office of the state comptroller in accordance with Section 1603(h) of the Land Bank Act. An Annual Financial Report will be provided to each of the FGUs, at the option of the FGU.

Section 8.03. Annual Budget. The executive director, or other individual designated by the Board, shall prepare annually a budget for the Land Bank. The Board shall review and approve a budget for the Land Bank immediately preceding each Fiscal Year.

Section 8.04. Deposits and Investments. The Land Bank shall deposit and invest funds of the Land Bank, not otherwise employed in carrying out the purposes of the Land Bank, in accordance with an investment policy established by the Board consistent with laws and regulations regarding investment of Land Bank funds.

Section 8.05. Disbursements. Disbursements of funds shall be in accordance with guidelines established by the Board and in compliance with all State statutes and regulations.

Section 8.06. Performance Objectives. Each Fiscal Year, the executive director, or other individual designated by the Board, shall prepare, for review and approval by the Board, objectives for the Land Bank's performance. An Annual Objective Report will be provided and presentation made to each of the FGUs, at the option of the FGU.

Section 8.07. Real Property Inventory Records. The Land Bank shall inventory all Real Property owned, held, or disposed of by the Land Bank. The inventory shall be maintained as a public record and shall be available in accordance with Sections 1608(h) and (i), and Sections 1609(b) of the Land Bank Act.

ARTICLE IX

FUNDING AND EXPENDITURES

Section 9.01. Budget Contributions. While under no obligation, the Parties may contribute to the annual Land Bank budget in such manner as approved by the Party or Parties

Section 9.02. Issuance of Bonds. The Land Bank may issue, sell, and deliver bonds in accordance with the provisions of Section 1611 of the Land Bank Act.

Section 9.03. Tax Allocation. Upon the adoption of a resolution or ordinance by any of the Parties, such Party may provide for Fifty (50) percent of that Party's real property taxes collected on any parcel or parcels of real property identified in such resolution or ordinance (or both) to be remitted to the Land Bank for a period of five years in accordance with the provisions of section 1610(c) of the Land Bank Act.

Section 9.04. Management of Funds. The Land Bank shall designate a fiscal agent of the Land Bank to manage sales proceeds, monetary contributions made by the Parties, and other Land Bank funds. Standard accounting procedures shall be used in the management of Land Bank accounts.

Section 9.05. Authorized Expenditures. The Land Bank shall in its sole discretion and within its budget expend such funds as necessary to carry out the powers, duties, functions, and responsibilities of a land bank under the Land Bank Act consistent with this Agreement, and State law.

ARTICLE X DURATION OF AGREEMENT

Section 10.01. Duration. This Agreement shall commence on the Effective Date and shall remain in full force and effect for a period of three years.

Section 10.02. Withdrawal by Party. Any Party may withdraw from this Agreement upon six (6) months' notice to the other Parties, and to the Land Bank, but such withdrawal shall in no case be effective until the end of the then-current 3-year term. The withdrawing Party shall have no rights to funds or other assets of the Land Bank. If at the time of withdrawal the requirements of the Land Bank Act provide that some Real Property of the Land Bank be liquidated, any sums received from the sale of such properties shall remain the funds of the Land Bank. Upon the withdrawal of any Party to this Agreement, the provisions of this Agreement shall remain in force for any remaining Parties to the Agreement.

Section 10.03. Dissolution. The Land Bank may only be dissolved pursuant to the requirements of Section 1613 of the Land Bank Act.

ARTICLE XI MISCELLANEOUS

Section 11.01. Notices. Any and all correspondence or notices required, permitted, or provided for under this Agreement to be delivered to any Party shall be sent to that Party via certified mail, return receipt requested, and by regular US mail. All correspondence shall be considered delivered to a Party as of the date that such notice is deposited with sufficient postage with the United States Postal Service. All such written notices, including any notice of withdrawal under Article IX, shall be sent to the Parties at the addresses below, or any subsequent address provided by such Party:

To: Herkimer County

Herkimer County
Office of the Chairman of the Legislature
Attn: Chairman of the Legislature
109 Mary Street, Suite 1111
Herkimer, NY 13350

With carbon copy to:

Herkimer County
Attorney's Office
Attn: County Attorney
109 Mary Street, Suite 1320
Herkimer, NY 13350

And to:

Herkimer County
County Legislature
Attn: Clerk of the County Legislature
109 Mary Street, Suite 1310
Herkimer, NY 13350

To: Montgomery County

Montgomery County
Office of the County Executive
Attn: County Executive
20 Park Street
PO Box 1500
Fonda, New York 12068

With carbon copy to:

Montgomery County
Department of Law

Attn: County Attorney
20 Park Street
PO Box 1500
Fonda, New York 12068

And to:

Montgomery County
County Legislature
Attn: Clerk of the County Legislature
20 Park Street
PO Box 1500
Fonda, New York 12068

To: Otsego County

Otsego County
Office of the Chairman
Attn: Chairman of the Board
197 Main Street
Cooperstown, NY 13326

With carbon copy to:

Otsego County
Department of Law
Attn: County Attorney
197 Main Street
Cooperstown, NY 13326

And to:

Otsego County
Board of Representatives
Attn: Clerk of the Board
197 Main Street
Cooperstown, NY 13326

To: Schoharie County

Schoharie County
Office of the Chairman

Attn: Chairman of the Board
County Office Building, 1st floor
284 Main Street
PO Box 429
Schoharie, NY 12157

With carbon copy to:

Schoharie County
Department of Law
Attn: County Attorney
County Office Building
284 Main Street
PO Box 429
Schoharie, NY 12157

And to:

Schoharie County
Board of Supervisors
Attn: Clerk of the Board
County Office Building
284 Main Street
PO Box 429
Schoharie, NY 12157

To: The City of Rome

City of Rome
Office of the Mayor
Attn: Mayor
198 North Washington Street
Rome, NY 13440

With Carbon Copy to:

City of Rome
Department of Law
Attn: Corporation Counsel
198 North Washington Street
Rome, NY 13440

And to:

City of Rome
Attn: City Clerk

198 North Washington Street
Rome, NY 13440

To: The City of Utica

City of Utica
Office of the Mayor
Attn: Mayor
1 Kennedy Plaza
Utica, New York 13502
With Carbon Copy to:

City of Utica
Department of Law
Attn: Corporation Counsel
1 Kennedy Plaza
Utica, New York 13502

And to:

City of Utica
Attn: City Clerk
1 Kennedy Plaza
Utica, New York 13502

Section 11.02. Entire Agreement. This Agreement sets forth the entire Agreement between the Parties and supersedes any and all prior agreements or understandings between them in any way related to the subject matter of this Agreement. It is further understood and agreed that the terms and conditions of this Agreement are contractual and are not a mere recital and that there are no other contracts, understandings, or representations between the Parties in any way related to the subject matter of this Agreement, except as expressly stated in this Agreement.

Section 11.03. Interpretation of Agreement. The Parties intend that this Agreement shall be construed liberally to effectuate the intent and purposes of this Agreement and the legislative intent and purposes of the Land Bank Act as complete and independent authorization for the performance of each and every act and thing authorized by this Agreement and the Land Bank Act. All powers granted to the Land Bank under this Agreement and the Land Bank Act shall be broadly interpreted to effectuate the intent and purposes and not as a limitation of powers.

Section 11.04. Severability of Provisions. If any provision of this Agreement, or its application to any Person, Party, or circumstance, is invalid or unenforceable, the remainder of this Agreement and the application of that provision to other Persons, Parties, or circumstances is not affected but will be enforced to the extent permitted by law.

Section 11.05. Governing Law. This Agreement is made and entered into in the State of New York and shall in all respects be interpreted, enforced, and governed under the laws of the State of New York without regard to the doctrines of conflict of laws. The language of all parts of this Agreement shall in all cases be construed as a whole according to its plain and fair meaning, and not construed strictly for or against any Party.

Section 11.06. Captions and Headings. The captions, headings, and titles in this Agreement are intended for the convenience of the reader and are not intended to have any substantive meaning or to be interpreted as part of this Agreement.

Section 11.07. Terminology. All terms and words used in this Agreement, regardless of the number or gender in which they are used, are deemed to include any other number and any other gender as the context may require.

Section 11.08. Cross-References. References in this Agreement to any article include all sections, subsections, and paragraphs in the article, unless specifically noted otherwise. References in this Agreement to any section include all subsections and paragraphs in the section.

Section 11.09. Jurisdiction and Venue. In the event of any disputes between the Parties over the meaning, interpretation, or implementation of the terms, covenants, or conditions of this Agreement, the matter under dispute, unless resolved between the Parties, shall be submitted to the courts of Herkimer County.

Section 11.10. Amendments to Agreement. This Agreement may be amended or an alternative form of this Agreement adopted only upon written amendment approved by all Parties.

Section 11.11. Amendments to Land Bank Act. The Land Bank shall have any powers authorized pursuant to any amendments, replacements, or substitutions to the Land Bank Act, unless the Agreement is amended by the Parties to provide otherwise.

Section 11.12. Certificate of Incorporation. The Certificate of Incorporation of the GREATER MOHAWK VALLEY LAND BANK is attached to this Agreement as Exhibit "A" and incorporated herein by reference.

Section 11.13. Effective Date. This Agreement shall become effective as of the Effective Date as that term is defined in Section 1.03 of this Agreement.

[The remainder of this page is intentionally left blank, with the signature pages immediately following on the next page.]

IN WITNESS WHEREOF the Counties of Herkimer, Montgomery, Otsego and Schoharie and the Cities of Rome and Utica have caused this Agreement to be executed by their authorized representatives on the date indicated, to be effective upon the Effective Date as that term is described within this Agreement.

Dated: _____

BY: _____

Bernard Peplinski, Sr.
Herkimer County, Chair of the Legislature

HERKIMER COUNTY

ATTEST:

Carole L. LaLonde, Clerk of the Legislature

Dated: _____

BY: _____

Matthew L. Ossenfort
Montgomery County Executive

MONTGOMERY COUNTY

ATTEST:

Cheryl Reese, Clerk of the Legislature

Dated: _____

BY: _____

Kathleen Clark
Otsego County, Chair of the Board of Representatives

OTSEGO COUNTY

ATTEST:

Carol McGovern, Clerk of the Board

Dated: _____

BY: _____
Earl VanWormer III
Schoharie County, Chair of the Board of Supervisors

SCHOHARIE COUNTY

ATTEST:

Sheryl Largeteau, Clerk of the Board

Dated: _____

BY: _____
Jacqueline M. Izzo
City of Rome, Mayor

CITY OF ROME

ATTEST:

Louise S. Glasso, City Clerk

Dated: _____

BY: _____
Robert M. Palmieri
City of Utica, Mayor

CITY OF UTICA

ATTEST:

Patricia A. Lindsey, City Clerk

**ARTICLES OF INCORPORATION
O F T H E
GREATER MOHAWK VALLEY LAND BANK CORPORATION**

A Not-For-Profit Land Bank Corporation
under Article 16 of the Not-For-Profit
Corporation Law of the State of New York

THE UNDERSIGNED, being over the age of eighteen years, for the purpose of forming a not-for-profit land bank corporation pursuant to Article 16 of the Not-For-Profit Corporation Law of the State of New York, hereby certifies as follows:

FIRST: The name of the corporation shall be Greater Mohawk Valley Land Bank Corporation (hereinafter referred to as the "Corporation").

SECOND: The Corporation will be a corporation as defined in subparagraph (a)(5) of Section 102 of the Not-For-Profit Corporation Law of the State of New York and, as provided in Section 1603(f) of the Not-For-Profit Corporation Law, will be a Type C Corporation as defined in Section 201 of the Not-For-Profit Corporation Law. The Corporation shall be a public instrumentality of and supporting organization for, but separate and apart from the Members.

THIRD: The purposes for which the Corporation is to be formed and operated are exclusively for charitable purposes within the meaning of Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, to combat community deterioration by facilitating the return of vacant, abandoned, and tax-delinquent properties to productive use in order to eliminate the harms and liabilities caused by such properties; to lessen the burden of government; and to act in the public interest. In furtherance of said purposes, the Corporation's powers shall include all powers and duties granted land bank corporations as set forth in Article 16 of the Not-For-Profit Corporation Law of the State of New York, as it may be amended from time-to-time, which powers are incorporated herein by reference as if fully stated herein, and shall also include:

(a) any other act or thing incidental to or connected with the foregoing purposes or in advancement thereof, but not for the pecuniary profit or financial gain of its members, directors, officers or any private person.

(b) In general, to perform any and all acts and things, and to exercise any and all powers which may now or hereafter be lawful for the Corporation to do or exercise under and pursuant to the laws of the State of New York for the purpose of accomplishing any of the foregoing purposes of the Corporation.

FOURTH: The Corporation's public objective and mission, which the Corporation's purpose will achieve, includes the lessening of the burdens of government by undertaking, promoting, and facilitating the return of vacant, abandoned, and tax-delinquent properties to productive use in order to eliminate the harms and liabilities caused by such properties and to combat community deterioration in the Greater Mohawk Valley, New York, that will include real estate development and management, deconstruction and salvaging of building materials, real estate project finance, and other community-based economic and human services development activities permissible under the Not-For-Profit Corporation Law.

FIFTH: The operations of the Corporation will be principally conducted within the territory of the Corporation Members, each of which is a Foreclosing Governmental Unit (hereinafter "FGU").

SIXTH: (a) All income and earnings of the Corporation shall be used exclusively for its corporate purposes with the intent that all income and earnings will be expended or deposited in appropriate reserves for corporate purposes;

(b) The property of the Corporation is irrevocably dedicated to charitable purposes.

SEVENTH: (a) The Corporation shall not attempt to influence legislation by propaganda or otherwise, nor participate in or intervene, directly or indirectly, in any political campaign on behalf of or in opposition to any candidate for public office.

(b) The Corporation shall not engage in any activities not permitted to be carried on by an organization exempt from federal income taxation pursuant to Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, and the regulations promulgated thereunder.

EIGHTH: In the event of the dissolution of the Corporation or the winding up of its affairs, the Board of Directors shall, after paying or making provision for the payment of all debts and liabilities of the Corporation of whatsoever kind or nature, distribute all of the remaining assets and property of the Corporation to the FGUs as set forth in Section 1613 of the Not-for-Profit Corporation Law.

NINTH: The office of the Corporation shall be located in the County of Herkimer, New York.

TENTH: Members of the Corporation shall be referred to herein, and in the Intermunicipal Agreement, as Corporation Members. The types or classes of Membership in the Corporation and the number of Corporation Members shall be described in the Intermunicipal Agreement, and the initial Corporation Members shall be identified in the Intermunicipal Agreement.

ELEVENTH: The Corporation shall be initially managed by nine directors, hereinafter referred to as Corporation Directors, and collectively as the Board of Directors, and who shall be appointed as provided in the Intermunicipal Agreement, as may be amended from time to time. Each Corporation Director must be a resident of the county or city FGU which is appointing him/her. Any subsequent increase or decrease in the size of the Board of Directors will require the unanimous approval of the Corporation Directors, and shall be in accordance with Article 16 of the Not-For-Profit Corporation Law of the State of New York.

TWELFTH: The names and addresses of the initial Corporation Directors will be as follows:

- (a) Appointed by the Chairman of the Legislature, confirmed by the Herkimer County Legislature:
Ray Johnson (County Legislator), and
Kurt Ackerman (County Legislator);
109 Mary Street, Suite 1310, Herkimer, NY 13350
- (b) Appointed by the County Executive of Montgomery County:
Karl Gustafson (Office of the Executive);
20 Park Street, PO Box 1500, Fonda, New York 12068
- (c) Appointed by the Chairman of the Board of Representatives of Otsego County, confirmed by Resolution of the Board:
Margaret M. Kennedy (County Representative), and
Craig Gelbsman (County Representative);
197 Main Street, Cooperstown, NY 13326
- (d) Appointed by Chairman of the Board of Supervisors, confirmed by Resolution of the Board of Schoharie County:
Steven Wilson (County Administrator);
284 Main Street, PO Box 429, Schoharie, NY 12157
- (e) Appointed by the Mayor of the City of Rome, confirmed by the Common Council of the City of Rome:
Mark Domenico (Chief Code Enforcement Officer);
198 N Washington Street, Rome, NY 13440
- (f) Appointed by the Mayor of the City of Utica:
Brian Thomas (Commissioner, Urban & Economic Development);
1 Kennedy Plaza, Utica, New York 13502
- (g) Appointed by the Common Council of the City of Utica:
Joseph A. Marino (Chair, Economic Development Committee);
1 Kennedy Plaza, Utica, New York 13502

THIRTEENTH: The duration of the Corporation shall be perpetual.

FOURTEENTH: The Corporation shall indemnify each Corporation Member, each Corporation Director, each officer, and, to the extent authorized by the Board of Directors, each other person authorized to act for the Corporation or on its behalf, to the full extent to which indemnification is permitted under the Not-For-Profit Corporation Law.

FIFTEENTH: The Secretary of New York State is designated as agent of the Corporation upon whom process against it may be served. The post office address to which the Secretary of State shall mail a copy of any process against the Corporation served upon him/her is as follows: Greater Mohawk Valley Land Bank, Mohawk Valley Economic Development District, 26 West Main St., PO Box 69, Mohawk NY 13407-0069.

SIXTEENTH: The By-laws of the Corporation may be adopted, amended or repealed by a majority of the voting Corporation Directors.

SEVENTEENTH: The Corporation will not do any of the following:

(a) Without the affirmative vote of all Corporation Members, increase the number of Corporation Members..

(b) Without the affirmative vote of two-thirds of the voting Corporation Directors, (i) dissolve or liquidate, in whole or in part, or institute proceedings to be adjudicated bankrupt or insolvent, (ii) consent to the institution of bankruptcy or insolvency proceedings against it, (iii) file a petition seeking or consenting to reorganization or relief under any applicable federal or state law relating to bankruptcy or insolvency, (iv) consent to the appointment of a receiver, liquidator, assignee, trustee, sequestrator or other similar official of the Corporation or a substantial part of its property, (v) make a general assignment for the benefit of creditors, (vi) admit in writing its inability to pay its debts generally as they become due or (vii) take any corporate action in furtherance of the actions set forth in clauses (i) through (vi) of this paragraph.

(c) Without the affirmative vote of all of the Corporation Directors, merge or consolidate with any other corporation, company or entity or, except to the extent contemplated above, sell all or substantially all of its assets or acquire all or substantially all of the assets or capital stock or other ownership interest of any other corporation, company or entity.

IN WITNESS WHEREOF, this certificate has been subscribed this _____
day of _____, 2016.

Joseph P. Caruso, MVEDD, Incorporator: _____

Address: 26 West Main Street, PO Box 69, Mohawk, NY 13407

CERTIFICATE OF INCORPORATION

O F T H E

GREATER MOHAWK VALLEY LAND BANK CORPORATION

(Under Article 16 of the Not-For-Profit Corporation Law of the State of New York)

Filed by:

ORDINANCE NO. 9116

AUTHORIZING THE CLOSING OF STREETS FOR THE ANNUAL WINTER HOLIDAY CHRISTMAS TREE LIGHTING CEREMONY

By Councilor _____:

WHEREAS, James Korpela, Director of the Department of Parks and Recreation, for the City of Rome, New York, has requested that the Common Council authorize the closing of certain streets in conjunction with the Annual Winter Holiday Christmas Tree Lighting Ceremony to be held at the Veterans and Gansevoort Parks, as follows: North James Street from Huntington Street and Stanwix Street to Eilenberg Lane, Court Street from Bissell Street to Church Street, Park Street from the rear of Old City Hall to Church Street, with Liberty Street traffic being allowed only a right turn access onto North James Street, heading south, on Friday, November 25, 2016, between the hours of 4:30 p.m. and 9:00 p.m.; and

WHEREAS, it is in the best interests of the City of Rome to support this community activity; now, therefore,

BE IT ORDAINED, that the Common Council of the City of Rome, New York, does hereby authorize the closing of North James Street from Huntington Street and Stanwix Street to Eilenberg Lane, Court Street from Bissell Street to Church Street, Park Street from the rear of Old City Hall to Church Street, with Liberty Street traffic being allowed only a right turn access onto North James Street, heading south, on Friday, November 25, 2016, between the hours of 4:30 p.m. and 9:00 p.m., said street closings to accommodate the annual Winter Holiday Christmas Tree Lighting Ceremony; and

BE IT FURTHER ORDAINED, that the City Clerk is hereby directed to transmit a copy of this Ordinance to the Chiefs of the Police and Fire Departments; and

BE IT FURTHER ORDAINED, that this authorization shall take effect upon the placement of the appropriate barriers at each end of the affected areas.

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. 9116.

Seconded by Councilor _____.

AYES & NAYS: Trifeletti___ Mortise___ Rogers___ Parsons___ Anderson___
Dursi___ DiMarco___

ORDINANCE NO. 9116

AYES & NAYS: Trifeletti___ Mortise___ Rogers___ Parsons___ Anderson___
Dursi___ DiMarco___

ADOPTED:

DEFEATED:

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ORDINANCE NO. 9117

BOND ORDINANCE OF THE CITY OF ROME, ONEIDA COUNTY, NEW YORK,
AUTHORIZING THE ISSUANCE OF \$250,000 ADDITIONAL SERIAL BONDS TO PAY
COSTS OF IMPROVEMENTS TO THE CITY SEWER SYSTEM
(MARTIN STREET SEWER PROJECT)

By Councilor _____:

WHEREAS, the Common Council of the City of Rome, Oneida County, New York on May 13, 2015 adopted Bond Ordinance No. 9000 entitled "ORDINANCE NO. 9000 AUTHORIZING THE ISSUANCE OF NOT EXCEED \$850,000 BONDS OF THE CITY OF ROME, ONEIDA COUNTY, NEW YORK, TO PAY COSTS OF IMPROVEMENTS TO THE CITY SEWER SYSTEM";

WHEREAS, the Common Council of the City of Rome, Oneida County, New York on March 23, 2016 adopted Bond Ordinance No. 9073 entitled "ORDINANCE NO. 9073 OF THE CITY OF ROME, ONEIDA COUNTY, NEW YORK AUTHORIZING THE ISSUANCE OF \$1,750,000 ADDITIONAL SERIAL BONDS TO PAY COSTS OF IMPROVEMENTS TO THE CITY SEWER SYSTEM (MARTIN STREET SEWER PROJECT)"; and

WHEREAS, the Common Council wishes to (i) authorize the expenditure and appropriation of additional funds in connection with the improvements to the City sewer system; 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 construction of improvements to the City's sewer system, including the acquisition and installation of original furnishings, equipment, machinery or apparatus and environmental, engineering, feasibility and other studies, referred to as the Martin Street Sewer Project, at an estimated maximum cost of \$2,850,000, constituting an increase of \$250,000.

Section 2. It is hereby determined that the plan for financing of such new maximum authorized cost of \$2,850,000 shall be as follows:

- (a) by the issuance of \$850,000 of serial bonds of the City heretofore authorized to be issued pursuant to Bond Ordinance No. 9000 adopted on May 13, 2015;
- (b) by the issuance of \$1,750,000 of serial bonds of the City heretofore authorized to be issued pursuant to Bond Ordinance No. 9073 adopted on March 23, 2016; and
- (c) by the issuance of an additional \$250,000 of serial bonds (the "Bonds") of the City authorized to be issued pursuant to this Ordinance.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific objects or purposes is forty (40) years pursuant to paragraph 4 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 Bond Ordinance No. 9000 adopted on May 13, 2015 or Bond Ordinance No. 9073 adopted on March 23, 2016, 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. Any grant funds obtained by the City to fund the capital purposes described in Section 1 of this resolution shall be applied to pay the principal of and interest on the Bonds or any bond anticipation notes issued in anticipation of the Bonds, or, to the extent obligations shall not have been issued under this ordinance, to reduce the maximum amount to be borrowed for such capital purposes.

Section 6. 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 7. 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 8. 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 9. 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 10. 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 11. 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 12. 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 13. 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 14. This Ordinance is not subject to a mandatory or permissive referendum.

Section 15. 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 16. This Ordinance shall take effect immediately upon its adoption.

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. 9117.

Seconded by Councilor _____.

AYES & NAYS: Trifeletti___ Mortise___ Rogers___ Parsons___ Anderson___
Dursi___ DiMarco___

ORDINANCE NO. 9117

AYES & NAYS: Trifeletti___ Mortise___ Rogers___ Parsons___ Anderson___
Dursi___ DiMarco___

ADOPTED:

DEFEATED: