

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



**1<sup>ST</sup> WARD**  
**Lori A. Trifeletti**

**2<sup>ND</sup> WARD**  
**John B. Mortise**

**3<sup>RD</sup> WARD**  
**Kimberly Rogers**

**4<sup>TH</sup> WARD**  
**Ramona L. Smith**

**John J. Mazzaferro**  
**President Common Council**

**5<sup>TH</sup> WARD**  
**Frank R. Anderson**

**6<sup>TH</sup> WARD**  
**John A. Nash**

**7<sup>TH</sup> WARD**  
**Lou DiMarco Jr.**

**CITY CLERK**  
**Louise S. Glasso**

**COMMON COUNCIL MEETING**  
**REGULAR SESSION**

**AUGUST 12, 2015**  
**7:00PM**

**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 (5) continuous minutes. The President of the Common Council may extend this time up to an additional five (5) minutes at his discretion; and further extensions must be approved by a majority of the council.

**5. RECOGNITION/APPRECIATION**

**6. READING OF THE MINUTES OF THE PRECEDING SESSION**

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

**7. PRESENTING OF PETITIONS AND COMMUNICATIONS.**

**A. PETITIONS**

**B. COMMUNICATIONS.**

The following financial reports for quarter ended June 30, 2015 are on file in the City Clerk's Office: Ava Dorfman Senior Center, Capitol Theatre

**8. NOTICES**

Members of the council to meet August 12<sup>th</sup> @ 6:00pm regarding Ordinance No. 9020 pertaining to solid waste.

**9. REPORT OF CITY OFFICIALS**

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

**11. PRESENTING OF REPORT OF COMMITTEES**

**12. RESOLUTIONS**

**RES. NO. 107**

**B**

**ACCEPTING DONATIONS PRESENTED TO THE CITY OF ROME FIRE DEPARTMENT FOR USE AT THE ROME POLICE AND FIRE MEMORIAL PARK. Brement**

**RES. NO. 108**

**F**

**AUTHORIZING THE CHANGING OF 15 MINUTE PARKING SIGNS TO 60 MINUTE PARKING SIGNS ON THREE LOCATIONS ON E. DOMINICK STREET. Mazzaferro – Mortise**

**RES. NO. 109**

**G**

**AUTHORIZING AMENDMENT TO THE 2015 CITY OF ROME ANNUAL BUDGET FOR ANTICIPATED RENTS AND EXPENDITURES FOR PROPERTY FORMERLY KNOWN AS PARK DRIVE ESTATES. Nolan**

**RES. NO. 110**

**H**

**AUTHORIZING THE CITY CLERK TO ADVERTISE NOTICE OF A PUBLIC HEARING WITH REGARD TO AMENDING CHARTER LAWS OF THE CITY OF ROME PERTAINING TO THE DUTIES OF CORPORATION COUNSEL. Nash – Rogers**

**RES. NO. 111**

**J**

**AUTHORIZING THE CITY CLERK TO ADVERTISE NOTICE OF A PUBLIC HEARING WITH REGARD TO POSSIBLE DISCONTINUANCE OF DOW STREET AND SALE OF SAME AT PUBLIC AUCTION-PURSUANT TO THE CITY CHARTER §118 Nash – Mayor Fusco**

**13. ORDINANCES**

**A.**

**% Lacking Unanimous Consent**

**B.**

**Current Legislation**

**ORD. NO. 9021**

**A**

**AUTHORIZING THE MAYOR TO ENTER INTO A LEASE AGREEMENT WITH THE ROME ART AND COMMUNITY CENTER FOR CITY OWNED PROPERTY LOCATED AT 308 WEST BLOOMFIELD STREET, ROME NEW YORK. Tallarino**

**ORD. NO. 9022**

**C**

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

**14. LOCAL LAWS**

**LL B (2) of 2015**

**AMENDING CHARTER LAWS OF CITY OF ROME PERTAINING TO THE DUTIES OF THE CORPORATION COUNSEL. Nash - Rogers**

**15. TABLED LEGISLATION**

**ORD. NO. 9020**

**A**

**TABLED I**

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

**16. VETOED LEGISLATION**

**17. ADJOURNMENT**

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

**NEXT SCHEDULED COMMON COUNCIL MEETING ~~ August 26, 2015**

RESOLUTION NO. 107

ACCEPTING DONATIONS PRESENTED TO THE  
CITY OF ROME FIRE DEPARTMENT FOR USE AT THE  
ROME POLICE AND FIRE MEMORIAL PARK.

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

WHEREAS, Michael Huchko, Irmagard D. Feola, and Joetta A. Bernhard, have contacted the City of Rome Fire Department with monetary donations for use at the Rome Police and Fire Memorial Park; and

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

BE IT RESOLVED, by the Common Council of the City of Rome, New York, that the below listed monetary donations, shall be gratefully accepted by the City of Rome for use at the Rome Police and Fire Memorial Park, New York:

Michael Huchko	\$500.00
Irmagard D. Feola	\$100.00
Joetta A. Bernhard	\$100.00; and

BE IT FURTHER RESOLVED, that the Common Council hereby expresses its appreciation to Michael Huchko, Irmagard D. Feola, and Joetta A. Bernhard for their monetary donations to be used at the Rome Police and Fire Memorial Park, located in the City of Rome, New York.

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

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

ADOPTED:

DEFEATED:

RESOLUTION NO. 108

AUTHORIZING THE CHANGING OF 15 MINUTE PARKING SIGNS TO 60 MINUTE PARKING SIGNS ON THREE LOCATIONS ON E. DOMINICK STREET.

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

WHEREAS, Common Council President, John Mazzaferro has requested that three “15 Minute Parking” signs located at: 290 E. Dominick Street; 287 E. Dominick Street; and 281 E. Dominick Street be changed to “60 Minute Parking Signs”; and

WHEREAS, a survey was conducted with the local businesses which would be impacted by the above referenced change, asking for their feedback and opinions on same; and

WHEREAS, following a review of the survey conducted and in consideration of the request made, Commissioner of the Department of Public Works, Frank D. Tallarino recommends that the three “15 Minute Parking” signs located at: 290 E. Dominick Street; 287 E. Dominick Street; and 281 E. Dominick Street be changed to “60 Minute Parking” signs; and

WHEREAS, by changing the “15 Minute Parking” signs located at: 290 E. Dominick Street; 287 E. Dominick Street; and 281 E. Dominick Street to “60 Minute Parking” signs, residents of Rome have an opportunity to shop— while keeping the parking limit to duration of time which will still insure timely turnover of parking spaces to other residents; now, therefore,

BE IT RESOLVED, that the three “15 Minute Parking” signs located at: 290 E. Dominick Street; 287 E. Dominick Street; and 281 E. Dominick Street shall be changed to “60 Minute Parking” signs.

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

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

ADOPTED:

DEFEATED:

RESOLUTION NO. 109

AUTHORIZING AMENDMENT TO THE 2015 CITY OF ROME ANNUAL BUDGET FOR ANTICIPATED RENTS AND EXPENDITURES FOR PROPERTY FORMERLY KNOWN AS PARK DRIVE ESTATES

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

WHEREAS, David C. Nolan, Treasurer for the City of Rome, has requested to amend the 2015 Budget for anticipated rents and expenditures for property formerly known as Park Drive Estates; and

WHEREAS, the anticipated rents and expenditures for property formerly known as Park Drive Estates is \$6,300.00 for six months; and

WHEREAS, \$25,200.00 should conservatively be assumed for vacancies and non-payment; now, therefore

BE RESOLVED, that the Common Council of the City of Rome hereby authorizes an amendment to the 2015 Annual Budget, to allow for anticipated rents and expenditures for the property formerly known as Park Drive Estates as follows:

<b>AG1000.2410001</b>	<b>Rental Income Park Drive Estates</b>	<b>\$24,200.00</b>
<b>AG1620.42101</b>	<b>Service Contracts and Repairs Park Drive Estates</b>	<b>\$24,200.00</b>

; and

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

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

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

ADOPTED:

DEFEATED:

RESOLUTION NO. 110

AUTHORIZING THE CITY CLERK TO ADVERTISE NOTICE OF A PUBLIC HEARING  
WITH REGARD TO AMENDING CHARTER LAWS OF THE CITY OF ROME  
PERTAINING TO THE DUTIES OF CORPORATION COUNSEL

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

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 amending Charter Laws of the City of Rome pertaining to the duties of Corporation Counsel, said public hearing to be held on the 26th day of August, 2015 at \_\_\_\_\_ p.m., in the Common Council Chambers, City Hall, Rome, New York, at which time and place all interested persons will be heard thereon.

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

AYES & NAYS: Trifeletti \_\_\_Mortise\_\_\_Rogers\_\_\_Smith\_\_\_Anderson\_\_\_  
Nash \_\_\_ DiMarco\_\_\_\_\_

ADOPTED:

DEFEATED:

RESOLUTION NO. 111

AUTHORIZING THE CITY CLERK TO ADVERTISE NOTICE OF A PUBLIC HEARING WITH REGARD TO POSSIBLE DISCONTINUANCE OF DOW STREET AND SALE OF SAME AT PUBLIC AUCTION—PURSUANT TO THE CITY CHARTER §118

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

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 the possible discontinuance of Dow Street and sale of same at public auction pursuant to the City Charter §118, said public hearing to be held on the \_\_\_\_\_ day of \_\_\_\_\_, 2015 at \_\_\_\_\_ p.m., in the Common Council Chambers, City Hall, Rome, New York, at which time and place all interested persons will be heard thereon.

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

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

ADOPTED:

DEFEATED:



COMMON COUNCIL

AUGUST 12, 2015

ORDINANCE NO. 9021

AUTHORIZING THE MAYOR TO ENTER INTO A LEASE AGREEMENT WITH THE ROME ART AND COMMUNITY CENTER FOR CITY OWNED PROPERTY LOCATED AT 308 WEST BLOOMFIELD STREET, ROME NEW YORK.

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

WHEREAS, Frank D. Tallarino, Jr., Commissioner of Public Works for the City of Rome, has recommended that the City of Rome enter into an agreement with the Rome Art & Community Center, whereby the City of Rome shall lease to the Rome Art & Community Center the City owned property located at 308 West Bloomfield Street, for a one-year lease term of January 1, 2016 through December 31, 2016; and

WHEREAS, Rome City Charter Laws, Title A, Article IV, Section 33, states that all leases of city property shall be approved by the City of Rome Common Council and Board of Estimate and Contract; now, therefore,

BE IT ORDAINED, by the Common Council of the City of Rome that the Mayor of the City of Rome is authorized to execute an agreement with the Rome Art & Community Center, to lease to said entity the premises known as 308 West Bloomfield Street, Rome, New York, for a one-year lease term from January 1, 2016 through December 31, 2016.

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

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

RESOLVED, that the unanimous consent of this Common Council be, and the same hereby is given to the consideration of Ordinance No. 9021

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

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

ORDINANCE NO. 9021

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

ADOPTED:

DEFEATED:

ORDINANCE NO. 9022

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

BY \_\_\_\_\_:

WHEREAS, Rome Charter Laws—Title A, Section 118, sets forth the process by which the City of Rome may discontinue a street or alley—including a paper street—and convey same to an interested party; and

WHEREAS, upon the request of Joseph Mammone, residing at Gates Avenue, Rome, New York, to discontinue the paper street known as "Dow Street"—shown on a subdivision map of Williston Park, dated November 6, 1915 and various City maps since that time—which said paper street is deemed a City street, hereinafter as "City Street"; and

WHEREAS, upon the City Clerk's compliance with Rome Charter, Section 118—pertaining to notices of the proposed discontinuance and public hearing thereon, a public hearing was held on \_\_\_\_\_, 2015, at which time all interest persons had the opportunity to speak on the proposed discontinuance of the City Street and to inform the Common Council of their respective opinion pertaining thereto; and

WHEREAS, pursuant to Rome Charter, Section 118, Frank D. Tallarino, Commissioner of Public Works, has reviewed the request to discontinue the City Street and has opined, *inter alia*, that the discontinuance of the City Street will not have an adverse impact on City or municipal operations, such that the discontinuance of the City Street is appropriate at this time; and

WHEREAS, based on the circumstances of this particular matter and at the request of John Nash, 6<sup>th</sup> Ward Councilor for the Common Council deems the application of Rome Charter, Section 118(2)(b) be waived, as the public hearing and the Common Council's considered judgment and consideration of the relevant information is sufficient for the Council to take such action as it deems appropriated, such that the review and recommendation of the Real Property Committee is not necessary; and

WHEREAS, it is the opinion of the Hon. Joseph R. Fusco, Mayor, and John Nash, 6th Ward Councilor, that discontinuing the City Street and selling it at public auction is in the City's best interests; now, therefore,

BE IT ORDAINED, by the City of Rome Common Council that the paper street, commonly referred to and designated as "Dow Street" and, as more fully described herein as Exhibit "A" be and is hereby discontinued; and

BE IT FURTHER ORDAINED, by the City of Rome Common Council that the sale of said City Street shall be to the highest bidder at a public auction to be held on such date and time as the Commissioner of Public Works shall determine and, further, that the minimum bid of said City Street shall be \$500.00 and that the successful bidder be responsible for all filing costs and fees associated with the City Street; and

BE IT FURTHER ORDAINED, by the City of Rome Common Council that the Rome City Clerk shall cause public notice of the public auction of the City Street to be advertised in the official City newspaper not less than three (3) times prior to the public auction; and

BE IT FURTHER ORDAINED, by the Common Council that, upon the public auction, being complete the Commissioner of Public Works shall notify the Common Council in writing of the sale price of the City Street and that the Mayor, in conjunction with the Corporation Counsel's Office may execute such documents as may be necessary to effectuate the sale to the successful bidder.

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

RESOLVED, that the unanimous consent of this Common Council be, and the same hereby is given to the consideration of Ordinance No. 9022

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

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

ORDINANCE NO. 9022

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

ADOPTED:

DEFEATED:

LOCAL LAW NO. B (2) OF 2015

AMENDING CHARTER LAWS OF CITY OF ROME  
PERTAINING TO THE DUTIES OF THE CORPORATION COUNSEL

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

WHEREAS, the Corporation Counsel acts as chief legal officer for the City of Rome, New York and provides legal advice and counsel to the administration, the Common Council and the various boards and bodies of the City of Rome, New York; and

WHEREAS, customarily, the Corporation Counsel attends regular and special meetings of the Common Council in order to provide legal counsel on pending matters, as well as to guide the Council with regard to parliamentary procedure; and

WHEREAS, John Nash, 6th Ward Councilor and Kimberly Rogers, 3<sup>rd</sup> Ward Councilor feels it necessary to amend Rome Charter Laws—Title A, Section 170, to expressly require that the Corporation Counsel attend Common Council meetings; and

WHEREAS, a public hearing was held on August 26, 2015 regarding the proposed amendment, at which at all interest parties were able to be heard regarding the proposed amendment; now, therefore,

BE IT ORDAINED, by the Common Council of the City of Rome, New York, that the City of Rome Charter Law, Title A, Section 170 be and is hereby amended as follows

**Sec. 170. - Corporation counsel; duties.**

The Corporation Counsel shall be the head of the department of law. He/She shall appoint such assistants and subordinates as may be prescribed by law, by this Charter or by the Board of Estimate and Contract. He/She shall be and act as the legal adviser of the common council and of the several officers, boards and departments of the city, and he/she shall appear for and protect the rights and interest of the city in all actions, suits and proceedings brought by and against it or any city officer, board or department; and such officers, boards or departments shall not employ other counsel. The Corporation Counsel, or his designee, shall attend all regular and special meetings of the Common Council.

Unless otherwise represented by counsel, public or private, approved by the Corporation Counsel and/or Board of Estimate and Contract, or authorized pursuant to local, state or federal law, the Corporation Counsel of the City of Rome or his/her designee shall conduct all cases brought in the name of the City of Rome and/or, for a violation of a City of Rome, New York ordinance, local law, rule or regulation, on behalf of the People of the State of New York. ; and

**BE IT ORDAINED, [INSERT LANGUAGE REGARDING THE CITY CLERK  
TRANSMITTING THE LOCAL LAW TO THE SECRETARY OF STATE]**

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

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

ADOPTED:

DEFEATED:

New Language in **BOLD** and **UNDERLINED**  
Deleted Language in **BOLD** and **[BRACKETED]**