

ROME

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OFFICE OF THE COMMON COUNCIL

CITY HALL • ROME, NEW YORK 13440-5815

Stephanie Viscelli

Common Council President

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John B. Mortise

2nd Ward

Kimberly Rogers

3rd Ward

Ramona L. Smith

4th Ward

Frank R. Anderson

5th Ward

Riccardo D. Dursi, Jr.

6th Ward

Robert Tracy

7th Ward

Jean I. Grande

City Clerk

September 25, 2019

On behalf of the entire Common Council, we offer the following statement on Ordinance #9382 and the Humane Society lease.

In 2016, Mayor Izzo began discussions with the Humane Society regarding the Rome New London Rd Parcel. On 5/24/17, a meeting was held with 3 members of the Common Council, members of the administration and representatives of the Humane Society where it was agreed that the City would move forward with leasing the property to the Humane Society with the following general provisions:

- The City would lease the property at no cost to the Humane Society
- The City would extend water and sewer lines to the facility at the City's expense
- The City would plow and salt the parking lot at the City's expense
- The Humane Society would continue to contract with the City to accept dogs from the City of Rome

As the site was part of the Ft. Bull property, the City also agreed to move forward with alienating the site from New York State parkland as required by law before any development could occur. On 6/14/17 the Council unanimously supported Resolution #73 sending the Home Rule to alienate the property to the state legislature for action. While the Humane Society had some support at that meeting, there was also significant opposition from members of local historic preservation groups. In order to be included in the current legislative session, and to avoid delay of the Humane Society's plans, the City paid a City employee to drive the signed resolution to Albany where the Senate and Assembly both passed their bills and sent them to the Governor for signature.

The Governor signed the Senate and Assembly bills into law alienating the parcel on 9/20/17. During October and November 2017 Councilors arranged for meetings between the West Rome Riders Snowmobile Club and the Humane Society as well as the Historic preservation groups and the Humane Society. It was important to the Councilors that interested parties were heard and had an opportunity to express their concerns. The first draft of the lease was provided to the Humane Society on 12/5/17.

On 12/13/17 the Common Council unanimously passed Resolution #132, designating the Common Council as lead agency for the NYS SEQRA process to determine what, if any, environmental issues existed with the project and/or site. Resolution #30 issuing a negative declaration for the property was introduced and tabled on 2/14/18 as required to allow for public comment. Following both public and agency comments, Resolution #30 was unanimously approved by the Council. As members of the

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historic groups were still opposed to the location of the project due to its proximity to the historic Ft. Bull site, the Council included language in the SEQRA to protect the historic resources of the property.

Since December 2017, the Council and the administration have been in negotiations with the Humane Society. During that period, the Council has negotiated in good faith to reach a mutually beneficial agreement that serves the needs of Rome taxpayers, the Snowmobile Club, the Rome Historical Society and the Humane Society of Rome. As shown by its legislative actions, the Common Council has been in full support of the Humane Society's efforts to construct a new shelter.

For many years the City has entered into a separate and mutually beneficial agreement and has provided monetary compensation to the Humane Society to accept and care for dogs brought to it by the City's animal control officer following the state required holding period. Nothing within this lease agreement would change that arrangement. The goal of entering this lease agreement was to provide the Humane Society with property to construct a new and more efficient shelter to better meet their needs while continuing a strong partnership with the City of Rome.

To that end, the Humane Society has asked for, and the City has conceded to, numerous points which benefit the Humane Society. For example, the Council agreed to four 5-year automatic extensions rather than mutually agreed extensions. The Council also agreed to grant a license to the Snowmobile Club rather than an easement. However, the Council could not concede to including language in the agreement that would have allowed the Humane Society the right to refuse to accept dogs from the City's animal control officer. The entire purpose of the partnership is for the City to provide the land for the shelter and the Humane Society to provide care for the City's animals.

To alleviate the Humane Society's concern that they would not be fairly compensated for each dog they accepted from the City, the Council included language in the agreement that the City would continue to pay the Humane Society at the last contracted rate and would continue to negotiate in good faith until a new agreement for annual services was reached. The separate agreement to accept dogs from the City is the only consideration the Humane Society was providing to the City in return for the use of the property, the connection of water and sewer lines and annual snow plowing of their parking lot at no cost.

It would be inappropriate, and a disservice to the taxpayers, for the Council to agree to language that could force the city to incur additional expenses to house and care for stray and unwanted animals while the Humane society continued to use city land rent free. While the Humane Society may have valid concerns with the terms of their separate services agreement, the negotiation of those items do not belong in this lease agreement. Those items must be negotiated with the Mayor as part of the

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separate agreement. The ability to cease providing services to Rome taxpayers is simply unacceptable to the Council.

The lease agreement on the Council agenda is fair, mutually beneficial, and represents the last verbal agreement between Council members and the President of the Humane Society. This agreement was placed on the agenda with the understanding that the President would meet with the Humane Society board on Tuesday, September 17th and if approved the Council would pass the resolution with unanimous support on Wednesday, September 25th. Unfortunately, the Rome Humane Society board did not approve the lease agreement and therefore the Council has no choice but to table the legislation knowing the Humane Society will not sign it.

In a recent letter to the Council, the Humane Society's attorney has stated that there was no objection to the transfer of the property and he has offered to purchase the land in spite of the fact that more than 2 years ago, on 5/24/17, it was agreed by all parties that a lease was the appropriate avenue to take for several reasons including:

- current zoning regulations do not permit the construction of an animal shelter on the property without a use variance
- the Council made a commitment during the SEQRA process to protect any historic resources on the property
- alienation of the parkland was completed on the premise that the property would be leased, not sold.
- the City has an existing land lease with the West Rome Riders Snowmobile Club behind the proposed location
- disposition of municipally owned real estate would likely be by public auction and the Humane Society would not be guaranteed to be the highest bidder.

The Council has also been notified that the Humane Society will take a serious look at renovation of their current facility on Lamphear Rd. Should the Humane Society move forward with the renovation at their current site, the Council wishes them the best of luck with their project and looks forward to a continued mutually beneficial relationship through our annual contract.

By tabling the legislation, the Council is leaving the opportunity open for the Humane Society to reconsider their position. Should their board wish to proceed with the lease agreement as previously agreed and presented to them, the Council will be happy to remove the legislation from the table, support it with a unanimous vote and proceed with the partnership as intended.

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