

COMMON COUNCIL MEETING

APRIL 15, 2014

7:00 P.M.

ORDER OF BUSINESS

- I. Call to Order
- II. Salute to the Flag
- III. Roll Call
- IV. Adoption of Agenda
- V. Proclamations
- VI. Communications and Presentations
- VII. Public Participation
- VIII. Controller's Report
- IX. Old Business:
- X. New Business:
 - (a) Resolutions
 - (b) Ordinances
 - (c) Local Laws:
 - (d) Introduction of Ordinances:
 - (e) Introduction of Local Laws
 - (f) Committee Reports
 - (g) Scheduling of Committee Meetings
 - (h) Other:
- XI. Executive Session (if required)
- XII: Adjournment

6:15 PM CODES
6:30 PM FINANCE

RESOLUTIONS

Old Business

New Business

227. RESOLUTION ADOPTING MINUTES	BEEKMAN
228. RESOLUTION APPROVING AUDIT	HATZENBUHLER
229. RRESOLUTION AMENDING BUDGET – CONTROLLER	RUSSO
230. RESOLUTION AUTHORIZING LETTER OF INTENT-BORREGO	LEGGIERO
231. RESOLUTION APPOINTING MEMBERS-CHARTER REVIEW	HATZENBUHLER
232. RESOLUTION AUTHORIZING CONTRACT-ELECTRONIC SIGN	MAYOR
233. RESOLUTION AUTHORIZING SUBRECEIPENT AGREEMENTS	RUSSO
234. RESOLUTION AMENDING BUDGET – GOLF	RUSSO
235. RESOLUTION AMENDING BUDGET – GOLF	RUSSO
236. RESOLUTION AMENDING BUDGET – TRANSPORTATION	RUSSO
237. RESOLUTION ACCEPTING TRANSFER OF PROPERTY –AIDA	RUSSO
238. RESOLUTION SETTING GOLF CART RENTAL RATE	RUSSO

ORDINANCE

LOCAL LAWS

**CITY OF AMSTERDAM, NY
COMMON COUNCIL
APRIL 15 2014**

RESOLUTION #13/14-227

RESOLUTION ADOPTING MINUTES OF THE LAST COMMON COUNCIL MEETING

BY: ALDERWOMAN BEEKMAN

RESOLVED, that the minutes of the Common Council meeting of April 1, 2014, and Special Meetings of March 25, 2014 and April 7, 2014 are hereby adopted.

COMMON COUNCIL
City of Amsterdam, NY

	Aye	Nay
Alderman Russo		
Alderwoman Beekman		
Alderman Barone		
Alderwoman Hatzenbuhler		
Alderman Leggiero		

ANN M. THANE, MAYOR

Dated: _____, 2014

**CITY OF AMSTERDAM, NY
COMMON COUNCIL
APRIL 15, 2014**

RESOLUTION #13/14-228

RESOLUTION APPROVING AUDIT

BY: ALDERWOMAN HATZENBUHLER

RESOLVED, the bills examined by the Common Council and reported herewith as correct and they are, allowed and ordered paid and the City Clerk is authorized and empowered to issue warrants in payment of same.

COMMON COUNCIL
City of Amsterdam, NY

	<u>Aye</u>	<u>Nay</u>
<u>Alderman Russo</u>		
<u>Alderman Beekman</u>		
<u>Alderman Barone</u>		
<u>Alderman Hatzenbuhler</u>		
<u>Alderman Leggiero</u>		

ANN M. THANE, MAYOR

Dated: _____, 2014

**CITY OF AMSTERDAM, NY
COMMON COUNCIL
APRIL 15, 2014**

RESOLUTION #13/14-229

RESOLUTION AMENDING BUDGET – CONTROLLER

BY: ALDERMAN RUSSO

RESOLVED, the Controller is authorized to amend the 2013-2014 budget to cover increase in telephone expenses as a result of a lightning strike, as follows:

DECREASE EXPENSE:

A-1325-4000	Contractual (Controller)	\$7,700 (bal. \$22,755.81)
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INCREASE EXPENSE:

A-3010-4025	Telephone (Public Safety Admin.)	\$2,500
A-1620-4025	Shared Tel.	\$5,200

COMMON COUNCIL
City of Amsterdam, NY

	<u>Aye</u>	<u>Nay</u>
<u>Alderman Russo</u>		
<u>Alderwoman Beekman</u>		
<u>Alderman Barone</u>		
<u>Alderwoman Hatzenbuhler</u>		
<u>Alderman Leggiero</u>		

ANN M. THANE, MAYOR

Dated: _____, 2014

**CITY OF AMSTERDAM, NY
COMMON COUNCIL
APRIL 15, 2014**

RESOLUTION #13/14-230

RESOLUTION AUTHORIZING MAYOR TO SIGN LETTER OF INTENT – BORREGO

BY: ALDERMAN LEGGIERO

WHEREAS, Borrego Solar Systems, Inc. has provided a letter of intent with Borrego Solar System for large solar panel arrays at the Brookside Reservoir with funding provided under PON 2860 NYSERDA’s NY Sun Competitive PV Program,

RESOLVED, the Mayor is authorized to sign the attached letter of intent with Borrego Solar Systems, Inc.

COMMON COUNCIL
City of Amsterdam, NY

	Aye	Nay

Alderman Russo		

Alderwoman Beekman		

Alderman Barone		

Alderwoman Hatzenbuhler		

Alderman Leggiero		

ANN M. THANE, MAYOR

Dated: _____, 2014



City of Amsterdam

Engineering Department

841-4331

61 Church Street, Amsterdam, NY 12010

Inspections – (518) 841-4319
Plumbing Inspector – (518) 841-4330
Fax – (518) 841-4310

April 1, 2014

Borrego Solar Systems, Inc.
1115 Westford Street
Lowell, MA 12345

City of Amsterdam
61 Church Street
Amsterdam, NY 12010

This letter of intent dated April 1, 2014 between Borrego Solar Systems, Inc. and the City of Amsterdam affirms our mutual intention with respect to the development of a Solar PV project at our site. Borrego Solar Systems, Inc. proposes to install a ____ kW ground system at 120 Hans Creek Road, Broadalbin, NY 12025 and will be relying on remote net-metering. The system will be interconnected with National Grid and is not located in a utility designated Strategic Location. The City of Amsterdam acknowledges that this letter of intent is for purposes of seeking funding application for the project at this site is exclusively through Borrego Solar Systems, Inc. If selected under the NY SUN Competitive PV Program, and that such funding application for the project at this site is exclusively through Borrego Solar Systems, Inc. If selected under the Program, the City of Amsterdam and Borrego Solar Systems, Inc. intend to enter into an Agreement to develop and install this PV project at this site.

Sincerely,

Richard C. Miller, P.E.
City Engineer, City of Amsterdam

Attachment I

PON 2860 – NY-Sun Competitive PV Program

Contractors awarded under NYSERDA PON 2860 must, by June 27, 2014, provide NYSERDA a copy of the fully-executed agreement between the Contractor and the Customer including the following terms:

Renewable Portfolio Standard (RPS) Attributes: Orders issued by the Public Service Commission provide that the RPS Program will support and promote an increase, to 30%, of the percentage of the energy consumed in New York State that comes from renewable sources. When assessing and reporting on progress towards that goal, or on the composition of the energy generated and/or consumed in NYS, NYSERDA and the NYS Department of Public Service will include all electrical energy created by any project receiving funds through the NYS RPS Customer-Sited Tier Program, regardless of the percentage of the project capacity included on the Bid Application Form, for the life of such projects, and the environmental attributes associated with such energy, whether metered or projected, as a part of any report, evaluation, or review of the RPS Program, whenever any such report, evaluation, or review may be conducted or issued, as renewable energy consumed in NYS. No party, including but not limited to owners, lessees/lessors, operators, and/or associated contractors shall agree to or enter any transaction that would or may be intended to result in the exportation or transmittal of any electrical energy created by any project receiving funds through the NYS RPS Customer-Sited Tier Program to any party or system outside of New York State.

Publicity and Site Events: Customer will allow photographs of the Project Site with explicit permission for NYSERDA to use, reproduce, distribute, exhibit, alter, publish or otherwise use such photographs in all forms, manner, including composite or distorted representations, and media, including electronic, print, digital, or electronic publishing via the Internet, and for all purposes, including advertising, trade, or any other lawful purposes.

Inspection/Reporting/Commissioning: Contractor will allow NYSERDA, its technical contractor, or Data Agent to conduct Site Inspections or remote monitoring services. Contractor will obtain permission from the Customer for NYSERDA, its technical contractor, or Data Agent to inspect the Installation location or perform remote monitoring services. Contractor will arrange access to the Project Site upon requests by NYSERDA, its technical contractor, or Data Agent.

Statement of Acknowledgement: By signing, all parties acknowledge that they have read and understand the above information and requirements and agree to abide by them.

Customer: By signing below, the Customer affirms that the site contributes to the Renewable Portfolio Standard (RPS) through a monthly electric utility bill.

Supremacy: Should the terms included in this document conflict with terms in any other contractual instrument between Contractor and Customer, the terms of this document shall control.

Customer Signature _____ Date _____

Print Name _____

Customer Company Name _____

Contractor: By signing below, the Contractor agrees that they: (1) are in compliance with Terms and Conditions of NYSEDA's program; and (2) are bound by the Terms and Conditions of this Addendum.

Contractor Signature _____ Date _____

Print Name _____

Contractor Company Name _____

**CITY OF AMSTERDAM, NY
COMMON COUNCIL
APRIL 15, 2014**

RESOLUTION #13/14-231

RESOLUTION APPOINTING MEMBERS OF CHARTER REVIEW COMMITTEE

BY: ALDERWOMAN HATZENBUHLER

RESOLVED, the following persons are hereby appointed to the Charter Review Committee:

COMMON COUNCIL
City of Amsterdam, NY

	<u>Aye</u>	<u>Nay</u>
<u>Alderman Russo</u>		
<u>Alderman Beekman</u>		
<u>Alderman Barone</u>		
<u>Alderman Hatzenbuhler</u>		
<u>Alderman Leggiero</u>		

ANN M. THANE, MAYOR

Dated: _____, 2014

**CITY OF AMSTERDAM, NY
COMMON COUNCIL
APRIL 15, 2014**

RESOLUTION #13/14-232

RESOLUTION AUTHORIZING CONTRACT TO UPGRADE ELECTRONIC SIGN

BY: MAYOR THANE

WHEREAS, the electronic sign located at the corner of Main and Church Streets has proven useful in the promotion of community events and could serve to accomplish the same for many local businesses, and

WHEREAS, the current sign is of obsolete design, cannot be charged with new content either in place or remotely, and repair of these conditions would be difficult and expensive, and

WHEREAS, Fiberdyne Labs, Inc., has proposed to upgrade the sign to modern display standards, operate and maintain it at no cost to the City, display community messages as directed and at no charge to the City train city employees to prepare and submit content remotely, assume cost of electrical service for the sign from the City, in exchange for permission to display advertisements from suitable local and regional businesses,

RESOLVED, the Mayor is authorized to execute the attached contract with Fiberdyne Labs, Inc., for the upgrade, operation, and maintenance of said sign.

COMMON COUNCIL
City of Amsterdam, NY

	Aye	Nay
Alderman Russo		
Alderwoman Beekman		
Alderman Barone		
Alderwoman Hatzenbuhler		
Alderman Leggiero		

ANN M. THANE, MAYOR

Dated: _____, 2014

LICENSE FOR USE OF REAL PROPERTY

Whereas, the City of Amsterdam, Licensor, of New York, is in control of lands situate on Main Street, City of Amsterdam, County of Montgomery, State of New York, being a portion of the parcel generally described as 56 Main Street, and more specifically identified as Montgomery County Tax Parcel Map ID#: 55.35-1-36 (hereinafter "the Premises"); and

Whereas, Fiberdyne Labs, I Inc., Licensee, wishes to utilize the Premises for the placement of outdoor advertising in the principal form of electronic signage;

Now, therefore, in consideration of the mutual promises and undertakings set forth hereinafter, and for the pecuniary consideration set forth in paragraph "5," Licensor does hereby grant to Licensee, and its successors and/or assigns, the right, privilege and permission to enter upon the Premises controlled by Licensor, and to erect, install and maintain signage of the size(s) and in the location(s) (hereinafter "the Licensed Location(s)") described in appendix A. The parties hereby further agree as follows:

1. Licensee shall have full and unrestricted access to the Licensed Location on the Premises at all times, and shall have a free and open path of ingress to and egress from the Licensed Location.
2. Licensee, at its expense, shall be permitted to install electric power service to the Licensed Location in the appropriate voltage and of sufficient amperage to meet Licensee's needs. Licensee shall be permitted access to municipal electric service panels as Licensee may desire, upon reasonable notice to Licensor. Said electric service shall be metered separately from any service maintained by Licensor on the Premises, and the ongoing cost of any electric service installed by Licensee shall be the sole responsibility of Licensee.
3. Licensee, at its expense, shall be permitted to install unobtrusive communications service (satellite, broadband cellular, cable modem, or other wireless facility) to the Licensed Location to meet Licensee's data communications needs. Service fees (installation and monthly service) shall be the sole responsibility of the Licensee.
4. Licensee may display such content as it wishes on all signage installed at the Licensed Location as defined in appendix A, except as may violate any local, state or federal law, or ordinance, rule or regulation. Specific prohibited advertisements shall include: tobacco products, political agendas, profanity, sexual content, pro/anti-war and illegal drugs. In the event that there are specific businesses the licensor prohibits from advertising on said sign, those businesses shall be listed in appendix B.
5. Licensee shall be responsible, at its expense, for all installation, maintenance, programming, and replacement of all signage at the Licensed Location(s), and for obtaining any governmental licenses or permits as may be required.
6. The Licensee will be responsible for any increase in property taxes as a result of the increase in property value due to the erection of the LED billboard sign. If a suffix parcel for the LED billboard sign is created, the Licensee shall pay the property taxes due relative to the suffix parcel prior to the due date. If a suffix parcel is not created, the Licensor shall provide the Licensee documentation from the appropriate taxing authority supporting the increase in taxes not less than 30 days of the due date of the taxes. The Licensee shall pay the Licensor the amount due not less than 7 days prior to the due date of the taxes.
7. Licensor shall ensure and maintain continual clear and unobstructed visibility prior to signage being installed at the Licensed Location(s).
8. Licensee shall maintain general liability coverage in an amount equal to at least to \$1,000,000, and shall name Licensor as an additional insured. Licensee shall hold Licensor harmless for all third-party claims based upon Licensee's use of the Premises.
9. If for any reason the Licensee is not able to utilize the electronic signage for purposes specified in this document due to reasons including, but not limited to: rejection of permit application, permit

revoked, changes in code, new restrictions, new laws, other legal reasons, no data communications capability, AC power issues, (or any other reason, what so ever, preventing the LED signage usage, etc.), the sign shall be de-constructed, and the property shall be restored to its original condition.

10. In the event the subject property becomes municipal property and is to be sold this agreement shall be transferred to the new owners.

11. Nothing herein shall be construed as to impose any duty upon Licensee to solicit or obtain advertising revenue at a certain amount or in any amount at all.

12. Except as otherwise provided herein, this License shall remain in effect for a period of 96 months from the date hereof, and shall automatically renew thereafter for 96 months, unless Licensor shall provide notice by mail to Licensee of his intent not to renew, which notice shall be provided at least one-hundred eighty (180) days prior to the expiration of the then current term. This license shall be deemed to run with the land and shall be binding upon the heirs, successors and assigns of Licensor.

13. Appendix A defines sign location and conceptual photo.

14. Appendix B defines specific advertisement restrictions.

15. Appendix C defines the compensation that the Licensee (Fiberdyne Labs, Inc.) shall provide to the Licensor (City of Amsterdam).

16. This offer shall expire on 20 May 2014.

LICENSOR

LICENSEE

CITY of AMSTERDAM

FIBERDYNE LABS, INC.

By _____

By _____

Ann M. Thane, Mayor

A Peter Polus, III CEO

Date _____

Date _____

APPENDIX A – CONCEPTUAL PHOTO AND PROPOSED LOCATION

CONCEPTUAL PHOTO:



PROPOSED LOCATION:

Lands situate on Main Street, City of Amsterdam, County of Montgomery, State of New York, being a portion located in the south east corner of the parcel generally described as 56 Main Street, and more specifically identified as Montgomery County Tax Parcel Map ID#: 55.35-1-36 and located in vicinity of UTM Grid 57464 149511.

Specifically the portion on which the current electronic sign is located with access permitted for initial construction and subsequent maintenance over adjoining sidewalks and within the triangular portion subtended by the intersection of said sidewalks.

Existing support structure may be modified if necessary to permit greater ground clearance, not to exceed two feet, in a manner which preserves the current overall appearance of the structure, and as approved by the City Engineer or his designee.

APPENDIX B – SPECIFIC ADVERTISEMENT RESTRICTIONS

Fiberdyne will not solicit or sell advertisements for the sign location specified within Appendix A to the following companies:

NONE

APPENDIX C – COMPENSATION

In return for land usage Fiberdyne Labs (Licensee), Inc. shall provide the following to Licensor:

Licensee shall provide one advertising slot to the Licensor on defined electronic LED signage at the location defined in appendix A. One advertising slot is defined as a minimum of 1/12 of the advertising time allocated between all third parties purchasing advertising time in addition to the advertising time allocated to the Licensor. Licensee shall provide advertising content generation service to the Licensor at no charge (maximum of 12 ads / (one per cycle)). Licensor must supply raw content and concepts for content generation. If a two-faced sign is provided, the Licensor shall get 1/12 of the advertising time allocated on face #1 and the same on face #2.

Fiberdyne will build eight (8) rotations into display schedule per request of City of Amsterdam to accommodate the need to display up to eight (8) pieces of content

**CITY OF AMSTERDAM, NY
COMMON COUNCIL
APRIL 15, 2014**

RESOLUTION #13/14-233

RESOLUTION AUTHORIZING SUBRECIPIENT AGREEMENTS WITH AMSTERDAM INDUSTRIAL DEVELOPMENT AGENCY - SMALL CITIES ECONOMIC DEVELOPMENT GRANTS

BY: ALDERMAN RUSSO

WHEREAS, the City of Amsterdam has been awarded several grant applications for GIANT Solutions, Vida-Blend, and Mohawk Architectural Products from the New York State Office of Homes and Community Renewal; and

WHEREAS, the Amsterdam Industrial Development Agency has in the past administered such grants on behalf of the City for which it has applied;

RESOLVED, that the Mayor is authorized to enter into a sub recipient agreement with the Amsterdam Industrial Development Agency to administer said grants.

COMMON COUNCIL
City of Amsterdam, NY

	Aye	Nay
Alderman Russo		
Alderwoman Beekman		
Alderman Barone		
Alderwoman Hatzenbuhler		
Alderman Leggiero		

ANN M. THANE, MAYOR

Dated: _____, 2014

**CITY OF AMSTERDAM, NY
COMMON COUNCIL
APRIL 15, 2014**

RESOLUTION #13/14-234

RESOLUTION AMENDING BUDGET – GOLF

BY: ALDERMAN RUSSO

RESOLVED, the Controller is authorized to amend the 2013-2014 budget for cost of equipment repairs as follows:

DECREASE EXPENSE:

CR-7180-4100	Fertilizer	\$3,000 (bal. \$8,548.12)
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INCREASE EXPENSE

CR-7180-4021	Equip. Repair	\$3,000
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COMMON COUNCIL
City of Amsterdam, NY

	Aye	Nay

Alderman Russo		

Alderwoman Beekman		

Alderman Barone		

Alderwoman Hatzenbuhler		

Alderman Leggiero		

ANN M. THANE, MAYOR

Dated: _____, 2014

**CITY OF AMSTERDAM, NY
COMMON COUNCIL
APRIL 15, 2014**

RESOLUTION #13/14-235

RESOLUTION AMENDING BUDGET – GOLF

BY: ALDERMAN RUSSO

RESOLVED, the Controller is authorized to amend the 2013-2014 budget to cover shortfall in the Golf Unemployment line,

DECREASE EXPENSE:

CR-7180-1010	Part time/Seasonal	\$7,000 (bal. \$37,663.75)
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INCREASE EXPENSE:

CR-7180-8840	Unemployment	\$7,000
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COMMON COUNCIL
City of Amsterdam, NY

	Aye	Nay

Alderman Russo		

Alderwoman Beekman		

Alderman Barone		

Alderwoman Hatzenbuhler		

Alderman Leggiero		

ANN M. THANE, MAYOR

Dated: _____, 2014

**CITY OF AMSTERDAM, NY
COMMON COUNCIL
APRIL 15, 2014**

RESOLUTION #13/14-236

RESOLUTION AMENDING BUDGET – TRANSPORTATION

BY: ALDERMAN RUSSO

RESOLVED, the Controller is authorized to amend the 2013-2014 budget to cover a shortfall in the Transportation Unemployment line,

DECREASE EXPENSE:

CT-5630-4036	Contingency	\$1,142 (bal. \$69825.84)
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INCREASE EXPENSE:

CT-5630-8840	Unemployment	\$1,142
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COMMON COUNCIL
City of Amsterdam, NY

	Aye	Nay

Alderman Russo		

Alderwoman Beekman		

Alderman Barone		

Alderwoman Hatzenbuhler		

Alderman Leggiero		

ANN M. THANE, MAYOR

Dated: _____, 2014

**CITY OF AMSTERDAM, NY
COMMON COUNCIL
APRIL 15, 2014**

RESOLUTION #13/14-237

RESOLUTION ACCEPTING TRANSFER OF PROPERTY FROM AIDA

BY: ALDERMAN RUSSO

WHEREAS, the Amsterdam Industrial Development Agency has been the recipient of various properties and vacant lots over the years; and

WHEREAS, the Amsterdam Industrial Development Agency has in the past several years tried to divest itself of these properties as they have no industrial development potential; and

WHEREAS, the Amsterdam Industrial Development Agency does not have the resources to adequately maintain these properties; and

WHEREAS, the Amsterdam Industrial Development Board of Directors has recommended certain properties to be disposed of which are identified by tax parcel Nos. 39.20-2-47, 55.43-1-8.2, 55.52-1-38.1, 55.52-2-11, 55.52-2-15, 55.52-2-16, 55.25.2-16, 56.13-2-13, and 56.14-2-1;

RESOLVED, that the City Council hereby authorizes the Mayor to accept such deeded property from the Amsterdam Industrial Development Agency.

COMMON COUNCIL
City of Amsterdam, NY

	Aye	Nay

Alderman Russo		

Alderman Beekman		

Alderman Barone		

Alderman Hatzenbuhler		

Alderman Leggiero		

ANN M. THANE, MAYOR

Dated: _____, 2014

**CITY OF AMSTERDAM, NY
COMMON COUNCIL
APRIL 15, 2014**

RESOLUTION #13/14-238

RESOLUTION SETTING GOLF CART RENTAL RATE

BY: ALDERMAN RUSSO

WHEREAS, the Golf Commission recommends that golf cart rental rates be set for 2014 season,

RESOLVED, the following rates are hereby approved for golf cart rental rates for the 2014 season:

Member

18 holes: \$ 10/per person
9 holes: \$ 6/per person

Non-Member

18 holes: \$ 12/per person
9 holes: \$ 8/per person

Unlimited Cart Use w/ Membership - \$500 per year

Trail fee (applicable to a non-cart owner riding in a member's cart with a member)

\$6 per person per 9 or 18 holes

COMMON COUNCIL
City of Amsterdam, NY

	<u>Aye</u>	<u>Nay</u>
<u>Alderman Russo</u>		
<u>Alderman Beekman</u>		
<u>Alderman Barone</u>		
<u>Alderman Hatzenbuehler</u>		
<u>Alderman Leggiero</u>		

ANN M. THANE, MAYOR

Dated: _____, 2014