

CITY OF AMSTERDAM, NEW YORK
COMMON COUNCIL MEETING
April 17, 2012
7:30 p.m.

ORDER OF BUSINESS

- I. Call to Order
- II. Salute to the Flag
- III. Roll Call
- IV. Moment of Silence
- V. Adoption of Agenda
- VI. Proclamations
- VII. Public Participation
- VIII. Communications
 - Rob Spagnola, Recreation*
 - Chief Liberti – Fire Department*
- IX. Old Business: Res. 196
- X. New Business:
 - (a) Resolutions
 - (b) Ordinances:
 - (c) Local Laws:
 - (d) Introduction of Ordinances:
 - (e) Introduction of Local Laws
 - (f) Committee Reports
 - (g) Other:
- XI. Adjournment

7:20 p.m. Public Hearing – Local Law No. 1 of 2012

Copies of agenda, resolutions and pertinent information are available in the city clerk at a cost of 25 cent per page. Request for copies need to be made prior to 4 pm on the date of the meeting..

RESOLUTIONS

218.	RESOLUTION ADOPTING MINUTES	DEROSSİ
219.	RESOLUTION APPROVING AUDIT	LEGGİERO
220.	RESOLUTION AUTHORIZING AGREEMENT – DRUG/ALCOHOL	ISABEL
221.	RESOLUTION AUTHORIZING BIDS – WATER TREATMENT	LEGGİERO
222.	RESOLUTION TRANSFERRING FUNDS – CONTROLLER	LEGGİERO
223.	RESOLUTION ADOPTING RULES OF ORDER	DEROSSİ
224.	RESOLUTION APPROVING ADDITIONAL WAGES	LEGGİERO
225.	RESOLUTION APPROVING CHANGE ORDER	LEGGİERO
226.	RESOLUTION TRANSFERRING FUNDS – WATER TREATMENT	LEGGİERO
227.	RESOLUTION TRANSFERRING FUNDS – WATER TREATMENT	LEGGİERO
228.	RESOLUTION TRANSFERRING FUNDS – SANITATION	DYBAS
229.	RESOLUTION AMENDING BUDGET – FIRE	ISABEL
230.	RESOLUTION DESIGNATING SURPLUS EQUIPMENT	DYBAS
231.	RESOLUTION TRANSFERRING FUNDS – ENGINEERING	LEGGİERO
232.	RESOLUTION APPROVING CHANGE ORDER	LEGGİERO
233.	RESOLUTION AUTHORIZING PUBLIC HEARINGS	DEROSSİ
234.	RESOLUTION AUTHORIZING LEASE – RIVERLINK PARK CONCESSIONAIRE	MAYOR

**CITY OF AMSTERDAM, NY
COMMON COUNCIL
MARCH 20, 2012**

RESOLUTION #11/12-196

RESOLUTION AUTHORIZING AGREEMENT – SOCIAL SERVICES

BY: MAYOR THANE

WHEREAS, the Montgomery County Department of Social Services wishes to enter into an agreement with the City of Amsterdam to act as a worksite sponsor to provide work for recipients of Social Services Assistance,

RESOLVED, the Mayor is authorized to sign the attached agreement with the Montgomery County Department of Social Services as a worksite sponsor.

MOTION TO TABLE by Alderman Dybas passed with Aye. (3/20/12)

COMMON COUNCIL
City of Amsterdam, NY

	Aye	Nay
Alderman Isabel		
Alderwoman Beekman		
Alderwoman DeRossi		
Alderman Dybas		
Alderman Leggiero		

ANN M. THANE, MAYOR

Dated: _____, 2012



wep agreement rev
4-12-12.docx

**CITY OF AMSTERDAM, NY
COMMON COUNCIL
APRIL 17, 2012**

RESOLUTION #11/12-218

RESOLUTION ADOPTING MINUTES OF THE COMMON COUNCIL MEETING

BY: ALDERWOMAN DEROSI

RESOLVED, that the minutes of the Common Council meeting of April 3, 2012, prepared by the Amsterdam City Clerk are hereby approved.

COMMON COUNCIL
City of Amsterdam, NY

	Aye	Nay

_____ Alderman Isabel		
_____ Alderwoman Beekman		
_____ Alderwoman DeRossi		
_____ Alderman Dybas		
_____ Alderman Leggiero		

ANN M. THANE, MAYOR

Dated: _____, 2012

**CITY OF AMSTERDAM, NY
COMMON COUNCIL
APRIL 17, 2012**

RESOLUTION #11/12-219

RESOLUTION APPROVING AUDIT

BY: ALDERMAN LEGGIERO

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

	Aye	Nay

Alderman Isabel		

Alderman Beekman		

Alderman DeRossi		

Alderman Dybas		

Alderman Leggiero		

ANN M. THANE, MAYOR

Dated: _____, 2012

**CITY OF AMSTERDAM, NY
COMMON COUNCIL
APRIL 17, 2012**

RESOLUTION #11/12-220

RESOLUTION AUTHORIZING CONTRACT –DRUG AND ALCOHOL TESTING

BY: ALDERMAN ISABEL

WHEREAS, requests for contract proposals for Drug and Alcohol Testing were issued,
and

WHEREAS, the City’s current provider Eastern Medical Support has submitted a
proposal to continue providing the City’s Drug and Alcohol Testing,

RESOLVED, the Mayor is authorized to sign a three year agreement with Eastern
Medical Support to provide services including Drug and Alcohol Testing of Current employees,
pre-employment physicals inclusive of drug and alcohol testing, and post accident drug and
alcohol testing.

COMMON COUNCIL
City of Amsterdam, NY

	Aye	Nay

Alderman Isabel		

Alderwoman Beekman		

Alderwoman DeRossi		

Alderman Dybas		

Alderman Leggiero		

ANN M. THANE, MAYOR

Dated: _____, 2012

February 7, 2012

Mr. Robert Reidy
Director of Employee
City of Amsterdam
61 Church Street
Amsterdam, NY 12010

RE: Occupational Health Services

Dear Mr. Reidy:

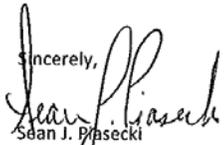
On behalf of the entire Eastern Medical Support team, I'd like to thank the City of Amsterdam for your business over the last three years.

Since opening our doors in 2005, Eastern Medical Support has always remained committed to providing the best care and services to our clients. During the past three years of doing business with the City of Amsterdam, Eastern Medical Support has had a very smooth working relationship with the city and your employees.

Additionally, Eastern Medical Support also believes in giving back to our community. I'm pleased to inform you that in 2011 Eastern Medical Support donated two emergency medical services bicycles to the Amsterdam Fire Department to assist in providing medical services during special events to our community. This proved to be a very beneficial and worthy donation that Eastern Medical Support is proud of.

Lastly, as per your request, I'm forwarding to you for your review the pricing for the upcoming renewal for a three year agreement. I'm sure you'll find the pricing to be extremely fair, with a minor increase to the hair follicle testing (*please note the City of Amsterdam over the past three years has not utilized this service*).

Again, thank you for your business and I look forward to working with the City of Amsterdam for many more years to come.

Sincerely,

Sean J. Plasecki
President

CC: Richard Kwaitkowski, Partner
Dr. Vincent Luvera, Medical Director
File

REQUEST CONTRACTUAL PROPOSAL FOR

RANDOM DRUG & ALCOHOL TESTING

PRE-EMPLOYMENT PHYSICALS

19A PHYSICALS

POST ACCIDENT DRUG & ALCOHOL TESTING

January 25, 2012

The City of Amsterdam is seeking a Contractual Proposal from the current provider Eastern Medical Support to Perform Drug and Alcohol Testing of current city employees, pre-employment physical inclusive of drug & alcohol testing, 19A physicals, and post accident drug & alcohol testing.

To be considered for a continued contract the provider, must identify the categories of services inclusive of the cost to perform the testing and is namely:

SERVICES

* Random Urine Drug Testing	Cost per test	\$46.00
* Breathe Alcohol Testing	Cost per test	\$25.00
* Hair follicle testing	Cost per test	\$100.00
* Post Accident – travel time to be considered outside a 45 mile radius of the provider office	Cost	\$125.00 (.58 per mile)
* Return to Duty/Follow up Drug Testing	Cost per case	\$46.00
* Reason for Suspicion Training	Cost per case	\$45.00 per student
* 10 Year Background check on all new hires	Cost per case	\$25.00
* Pre-Employment DOT & 19A Physical Exams, DOT Reverts	Cost per case	\$65.00
* Pre-Employment physical inclusive of Drug & Alcohol testing	Cost per case	\$125.00
* MIS Reports	Cost per case	\$75.00
* Record Keeping	Cost per case	\$100.00
* Random Draw of Names for Testing	Cost per case	\$100.00
* MRO Fees	Cost per case	\$5.00
* Confirmation Test	Cost per case	\$25.00
* Program Set Up Fees	Cost	**NO CHARGE**

@

- * Post Accident Response Time – must return all calls within 15 minutes and provide testing within the time frame outlined in all nationally accepted standards. Response time for post accident testing to be identified.

ON SITE TESTING

- On site testing, location, date and time to be determined by the City.
- Minimum testing required.
- Identify the number of test to be performed quarterly.
- List of personnel to be tested, to be submitted at least three weeks prior to testing and separated by departments.

RANDOM TESTING

- * Selection for testing must be generated by computer programming which will be in compliance with all Federal and State regulations.
- * Testing it is to be impartial, accurate and nationally accepted.
- * System being used must be identified in the RFP.
- * A list of employees to be provided by the City identifying personnel in each specific department for the purpose of reporting.
- * Testing to be performed at provider location not to be greater than 5 minutes from the city of Amsterdam or the employees work station.

REPORTS

- * Pre-Employment physicals, drug & alcohol testing reports to be provided within 1 week. Positive results are to be called in immediately to Employee Relations or in his absence to the Mayor's Office.
- * Quarterly reports for all tests performed, with results submitted to the City (Employee Relations)
- * Reports to be broken out by department for State and Federal reporting.
- * MIS year-end summary designed for the City and used for record compliance, to be listed and identified by departments.
- * Any other reports as required or requested.

STANDARDS

- * To be defined and of the highest quality with zero tolerance for errors. Define your standards.

The Contractual Proposal must meet all categories outlined above, and must be submitted in triplicate by February 7, 2012, for review and consideration. The City has the right to refuse any and all proposals submitted.

Submit by February 7, 2012 to: Director of Employee Relations
City of Amsterdam
61 Church Street
Amsterdam, NY 12010

①



OFFICE OF EMPLOYEE RELATIONS

Robert L. Reidy, Director

61 Church Street, Amsterdam NY 12010

Phone: 518-841-4308

Fax: 518-842-9064

INTEROFFICE MEMORANDUM

TO: Susan Alibozek
City Clerk

FROM: Robert L. Reidy, Director
Employee Relations 

DATE: April 4, 2012

RE: Contractual Resolution.

Attached is a letter from Eastern Medical Support which indicates the proposed fees for a contractual arrangement from March 1, 2012 to March 1, 2015. The outline of fees is acceptable and there is no change from current pricing.

Thank you in advance for preparing the proposed resolution. I am not sure who the sponsor should be whether it be the Chairperson of Personnel or the Mayor.

If you want you can send me a draft of the resolution for review before submittal.

Attach.
Cc: File

**CITY OF AMSTERDAM, NY
COMMON COUNCIL
APRIL 17, 2012**

RESOLUTION #11/12-221

RESOLUTION AUTHORIZING BIDS – WATER TREATMENT PLANT

BY: ALDERMAN LEGGIERO

RESOLVED, the Water Treatment Plant Operator is authorized to prepare specs and the City Clerk is authorized to advertise for bids for Water Treatment Plant chemicals for the fiscal year 2012-2013.

COMMON COUNCIL
City of Amsterdam, NY

	Aye	Nay
Alderman Isabel		
Alderwoman Beekman		
Alderwoman DeRossi		
Alderman Dybas		
Alderman Leggiero		

ANN M. THANE, MAYOR

Dated: _____, 2012

**CITY OF AMSTERDAM, NY
COMMON COUNCIL
APRIL 17, 2012**

RESOLUTION #11/12-222

RESOLUTION TRANSFERRING FUNDS - CONTROLLER

BY: ALDERMAN LEGGIERO

WHEREAS, a transfer of funds is needed to cover a shortfall,

RESOLVED, the Controller is authorized to amend the operating budget as follows:

DECREASE EXPENSE:

A-1325-2000	Equipment	\$2,000.00 (bal. \$1,095.00)
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INCREASE EXPENSE:

A-1325-4000	Contractual	\$2,000.00
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COMMON COUNCIL
City of Amsterdam, NY

	Aye	Nay

Alderman Isabel		
Alderwoman Beekman		
Alderwoman DeRossi		
Alderman Dybas		
Alderman Leggiero		
Controller		
Mayor Thane		

ANN M. THANE, MAYOR

Dated: _____, 2012

**CITY OF AMSTERDAM, NY
COMMON COUNCIL
APRIL 17, 2012**

RESOLUTION #11/12-223

RESOLUTION ADOPTING RULES OF PROCEDURE

BY: ALDERWOMAN DEROSI

WHEREAS, the Common Council has met and reviewed the Rules of Procedure,

RESOLVED, the attached Draft Rules of Order dated 4/10/12 are hereby adopted.

COMMON COUNCIL
City of Amsterdam, NY

	Aye	Nay
Alderman Isabel		
Alderman Beekman		
Alderman DeRossi		
Alderman Dybas		
Alderman Leggiero		

ANN M. THANE, MAYOR

Dated: _____, 2012



Draft RULES OF
ORDER rev 1.3 4-10-

**CITY OF AMSTERDAM, NY
COMMON COUNCIL
APRIL 17, 2012**

RESOLUTION #11/12-224

RESOLUTION APPROVING ADDITIONAL WAGES FOR CLEANUP DURING FLOODING IN AUGUST/SEPTEMBER 2011

BY: ALDERMAN LEGGIERO

WHEREAS, cleanup of garbage, debris and trash throughout the City of Amsterdam following flooding during August/September 2011 created additional work, and

WHEREAS, Department of Public Works employees provided cleanup of said sanitation debris, and

WHEREAS, said workers should be compensated at the additional per hour rate of sanitation employees,

RESOLVED, approval is hereby given to pay the attached employees the additional wages earned during sanitation cleanup during flooding in August/September 2011.

COMMON COUNCIL
City of Amsterdam, NY

	Aye	Nay

Alderman Isabel		

Alderman Beekman		

Alderman DeRossi		

Alderman Dybas		

Alderman Leggiero		

ANN M. THANE, MAYOR

Dated: _____, 2012

February 9, 2012

From: Anthony D. Leggiero, Street Department Steward, Local 1614

To: William Cherico, President, Local 1614

RE: FRINGE BENEFIT AS SANITATION RATE DURING CLEANUP OF IRENE

After an extensive review of the dates/manpower/hours utilized within the Street Department during the cleanup of garbage/debris/trash strewn throughout the City of Amsterdam as a direct result of Hurricane Irene, I have concluded the following individuals are entitled to the benefit contractually implied:

<u>Name of Employee</u>	<u>Total Hours Worked</u>	<u>(x \$0.75/hr)</u>	<u>Total Amnt.</u>
Brian Davis	07	\$0.75	\$5.25
John Loucks	12	\$0.75	\$9.00
Louis Lasky	70.5	\$0.75	\$52.88 0.00
Robert Salamack	21.5	\$0.75	\$16.13
Timothy Dufresne	44	\$0.75	\$33.00
Bruce Vickers	37.5	\$0.75	\$28.13
Richard Aldi	46	\$0.75	\$34.50
Anthony Leggiero	81	\$0.75	\$60.75
Jason Ludwin	22	\$0.75	\$16.50
Pedro Nunez	42	\$0.75	\$31.50
James Quist	68.5	\$0.75	\$51.38
David Cebula	15.5	\$0.75	\$11.63
Steven Masters	42.5	\$0.75	\$31.88
Michael Marciniak	67	\$0.75	\$50.25
Jose Bogantes	76.5	\$0.75	\$57.38
Gary Vertucci	46.5	\$0.75	\$34.88
Mark Blakely	61	\$0.75	\$45.75
TOTALS:	761		\$570.75

The initial cost associated with this clean-up was tallied at \$398.96. That amount was presented to the Common Council for imbursement of wages. That amount did not include the two final weeks of clean-up for which I did not have the work order paperwork for. The difference of \$171.79 was the direct result of paperwork/hours/manning documents being released post grievance/labor-management conference, and was not anticipated. For the record, the Union reserves the right to retain each document (including two additional documents released) should further action become necessary on additional levels.

In closing, I would ascertain this compilation satisfies the Union's request for its prompt release of payment by the "City" and puts unique closure to an underappreciated humanitarian episode undertaken by 17 employees of the Department of Public Works; who not only worked tirelessly in unknown environmental and inhabited conditions, but who were fortunately accepted by the community they assisted *more so* than those responsible for compensating their effort.

Respectfully Submitted

**CITY OF AMSTERDAM, NY
COMMON COUNCIL
APRIL 17, 2012**

RESOLUTION #11/12-225

RESOLUTION APPROVING CHANGE ORDER #2 – MARKET HILL WATER SYSTEM IMPROVEMENT PROJECT

BY: ALDERMAN LEGGIERO

WHEREAS, a change order is needed for installation of sidewalks, curbs, driveways and road payment on Orange Street,

RESOLVED, the Mayor is authorized to sign Change Order #2 for Tom Kubricky Co. in the amount of \$85,427.40 as noted above. (Funding will be provided through H-50-5112-4011 road program).

COMMON COUNCIL
City of Amsterdam, NY

	Aye	Nay

Alderman Isabel		

Alderwoman Beekman		

Alderwoman DeRossi		

Alderman Dybas		

Alderman Leggiero		

ANN M. THANE, MAYOR

Dated: _____, 2012

**CITY OF AMSTERDAM, NY
COMMON COUNCIL
APRIL 17, 2012**

RESOLUTION #11/12-226

RESOLUTION TRANSFERRING FUNDS – WATER TREATMENT PLANT

BY: ALDERMAN LEGGIERO

WHEREAS, a transfer of funds is needed to provide holiday pay at the Water Treatment Plant for the remainder of the 2011-12 fiscal year,

RESOLVED, the Controller is authorized to amend the operating budget as follows:

DECREASE EXPENSE:

F-8330-1001	Overtime	\$2,000.00 (bal. \$8,315.38)
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INCREASE EXPENSE:

F-8330-1300	Holiday Pay	\$2,000.00
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COMMON COUNCIL
City of Amsterdam, NY

	Aye	Nay

Alderman Isabel		

Alderwoman Beekman		

Alderwoman DeRossi		

Alderman Dybas		

Alderman Leggiero		

Controller		

Mayor Thane		

ANN M. THANE, MAYOR

Dated: _____, 2012

**CITY OF AMSTERDAM, NY
COMMON COUNCIL
APRIL 17, 2012**

RESOLUTION #11/12-227

RESOLUTION TRANSFERRING FUNDS – WATER TREATMENT PLANT

BY: ALDERMAN LEGGIERO

WHEREAS, a transfer of funds is needed to have the Brookside Tank inspected and cleaned,

RESOLVED, the Controller is authorized to amend the operating budget as follows:

DECREASE EXPENSE:

F-8330-4085	Chemicals	\$2,000 (bal. \$35,100.02)
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INCREASE EXPENSE:

F-8330-4086	Plant Service Contract	\$2,000.00
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COMMON COUNCIL
City of Amsterdam, NY

	Aye	Nay
_____ Alderman Isabel		
_____ Alderwoman Beekman		
_____ Alderwoman DeRossi		
_____ Alderman Dybas		
_____ Alderman Leggiero		
_____ Controller		
_____ Mayor Thane		

ANN M. THANE, MAYOR

Dated: _____, 2012

**CITY OF AMSTERDAM, NY
COMMON COUNCIL
APRIL 17, 2012**

RESOLUTION #11/12-228

RESOLUTION TRANSFERRING FUNDS – SANITATION

BY: ALDERMAN DYBAS

WHEREAS, a transfer of funds is needed to pay for an engine rebuild for vehicle #78,

RESOLVED, the Controller is authorized to amend the operating budget as follows:

DECREASE EXPENSE:

CL-8160-4036	Contingency	\$5,000.00 (bal. \$93,825.36)
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INCREASE EXPENSE:

CL-8160-4070	Vehicle Repair	\$5,000.00
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COMMON COUNCIL
City of Amsterdam, NY

	Aye	Nay

Alderman Isabel		

Alderman Beekman		

Alderman DeRossi		

Alderman Dybas		

Alderman Leggiero		

Controller		

Mayor Thane		

ANN M. THANE, MAYOR

Dated: _____, 2012

**CITY OF AMSTERDAM, NY
COMMON COUNCIL
APRIL 17, 2012**

RESOLUTION #11/12-229

RESOLUTION AMENDING BUDGET – FIRE

BY: ALDERMAN ISABEL

WHEREAS, revenue has been received from GAVAC in excess of the amount budgeted for the 2011-2012 fiscal year, and

WHEREAS, the Fire Department wishes to use the surplus to purchase emergency medical equipment and provide in-service training for Firefighter, EMT-EMT-P and Code Enforcement,

RESOLVED, the Controller is authorized to amend the budget as follows:

INCREASE REVENUE:

A-2707	GAVAC	\$5,856.55
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INCREASE EXPENSE:

A-3410-2012	Equipment	\$ 900.00
A-3410-4000	Contractual	\$2,500.00
A-3410-4056	Training	\$2,456.55

COMMON COUNCIL
City of Amsterdam, NY

	Aye	Nay

Alderman Isabel		

Alderman Beekman		

Alderman DeRossi		

Alderman Dybas		

Alderman Leggiero		

Controller		

Mayor Thane		

ANN M. THANE, MAYOR

Dated: _____, 2012

**CITY OF AMSTERDAM, NY
COMMON COUNCIL
APRIL 17, 2012**

RESOLUTION #11/12-230

RESOLUTION DESIGNATING SURPLUS EQUIPMENT

BY: ALDERMAN DYBAS

WHEREAS, Bus #29, a Ford E450 has been approved by NYS DOT to be disposed,

RESOLVED, Bus #29 is authorized for sale as surplus equipment to be sold through a City auction.

COMMON COUNCIL
City of Amsterdam, NY

	Aye	Nay
Alderman Isabel		
Alderwoman Beekman		
Alderwoman DeRossi		
Alderman Dybas		
Alderman Leggiero		

ANN M. THANE, MAYOR

Dated: _____, 2012

**CITY OF AMSTERDAM, NY
COMMON COUNCIL
APRIL 17, 2012**

RESOLUTION #11/12-231

RESOLUTION TRANSFERRING FUNDS – ENGINEERING

BY: ALDERMAN LEGGIERO

WHEREAS, a transfer of funds is needed to cover expenses for sanitary sewer replacement on Union Street as part of Change Order #3 for the Market Hill Water System improvement project (Resolution #232),

RESOLVED, the Controller is authorized to amend the operating budget as follows:

DECREASE EXPENSE:

G-8110-4036	Sewer Contingency	\$95,000.00 (bal. \$228,209.63)
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INCREASE EXPENSE:

G-8310-4000	Contractual	\$95,000.00
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COMMON COUNCIL
City of Amsterdam, NY

	Aye	Nay

Alderman Isabel		

Alderwoman Beekman		

Alderwoman DeRossi		

Alderman Dybas		

Alderman Leggiero		

Controller		

Mayor Thane		

ANN M. THANE, MAYOR

Dated: _____, 2012

**CITY OF AMSTERDAM, NY
COMMON COUNCIL
APRIL 17, 2012**

RESOLUTION #11/12-232

RESOLUTION AUTHORIZING CHANGE ORDER #3 – MARKET HILL WATER SYSTEM IMPROVEMENTS

BY: ALDERMAN LEGGIERO

WHEREAS, a change order is needed for separation of water and sanitary sewer mains and replacement of sewer mains on Union Street from Brandt Place to McDonnell Street,

RESOLVED, the Mayor is authorized to sign Change Order #3 for Tom Kubricky Co. in the amount of \$137,000.00. (Funding will be provided through CHIPS \$42,000.00 and Sewer Contractual \$95,000.00).

COMMON COUNCIL
City of Amsterdam, NY

	Aye	Nay

Alderman Isabel		

Alderwoman Beekman		

Alderwoman DeRossi		

Alderman Dybas		

Alderman Leggiero		

ANN M. THANE, MAYOR

Dated: _____, 2012

**CITY OF AMSTERDAM, NY
COMMON COUNCIL
APRIL 17, 2012**

RESOLUTION #11/12-233

RESOLUTION AUTHORIZING PUBLIC HEARINGS – NYS OFFICE OF HOME AND COMMUNITY RENEWAL

BY: ALDERWOMAN DEROSI

WHEREAS, the City of Amsterdam is required to hold two public hearings before submitting grant applications to the New York State Office of Homes and Community Renewal; and

WHEREAS, the Amsterdam Industrial Development Agency is considering applying to the NYS Office of Homes and Community Renewal for several grant applications on behalf of City businesses;

RESOLVED, the Amsterdam Industrial Development Agency is authorized to conduct public hearings on May 1, 2012 at 3:00 p.m. and on May 3, 2012 at 3:00 p.m. in the offices of the Amsterdam Industrial Development Agency, 2nd Floor, City Hall, 61 Church Street, Amsterdam, New York. The purposes of the hearings will be to explain the Citizens Participation Plan as well as to discuss the possible submission of applications for the rehabilitation of various Main Street Buildings, the expansion of various companies including Bad Ponder, Embassy Millworks, and Beckmann Converting, the development of a micro-enterprise program and the extension of water and sewer services to areas for future economic development; and further be it

RESOLVED, the Mayor and the Amsterdam Industrial Development Agency are authorized to submit such applications to the NYS Office of Home and Community Renewal and the NYS Regional Economic Development Council and to act in all matters relating to said grants.

COMMON COUNCIL
City of Amsterdam, NY

	Aye	Nay
Alderman Isabel		
Alderwoman Beekman		
Alderwoman DeRossi		
Alderman Dybas		
Alderman Leggiero		

ANN M. THANE, MAYOR

Dated: _____, 2012

**CITY OF AMSTERDAM, NY
COMMON COUNCIL
APRIL 17, 2012**

RESOLUTION #11/12-234

**RESOLUTION AUTHORIZING MAYOR TO EXECUTE A MODIFICATION OF
AMSTERDAM RIVER LINK CONCESSION LEASE**

BY: MAYOR THANE

WHEREAS, the City of Amsterdam will erect a tent at River Link Park, and said tent will be available for large events; and

WHEREAS, the City of Amsterdam desires revenue for the use of said tent and an agreement with the concessionaire at River Link Park is the most practical method to gain the maximum benefit from the tent for the City of Amsterdam,

RESOLVED, the Mayor is authorized to execute the attached modification to the Amsterdam River Link Concession Lease.

COMMON COUNCIL
City of Amsterdam, NY

	Aye	Nay
Alderman Isabel		
Alderwoman Beekman		
Alderwoman DeRossi		
Alderman Dybas		
Alderman Leggiero		

ANN M. THANE, MAYOR

Dated: _____, 2012



Modification to
Amsterdam River Link

Modification of Amsterdam River Link Park Concessionaire Contract

It is hereby mutually agreed by the parties to this agreement as follows:

The City of Amsterdam (hereinafter City) together with Bob Kirkham, 6217 Amsterdam Road, Scotia NY 12302 and Rena Gallup, 3 Boulder Bend, Scotia NY 12302 (hereinafter Lessees), are currently parties to an Amsterdam River Link Park Concession Contract approved by resolution 2011/12-62.

The parties seek to modify this contract to provide a license for Lessees to use the event tent that may be available at River Link Park.

The Lessees are hereby granted a license to use the event tent to host parties and the Lessees' have the right to exclusive use of the event tent for the purpose of scheduling and hosting party events.

The Lessees shall pay to City ten percent (10%) of the amount billed (not including tax and gratuity) by Lessees for use of the event tent. Payment is to be made to City within thirty days of the date the event occurs. Copies of event billing and contracts shall be provided to City within 5 days of the contract execution or billing being issued to the parties contracting with Lessees for the event.

The Lessees may upon prior written approval of the recreation director of City purchase for use with the tent: lighting fixtures, a dance floor or other similar equipment. Any such approval is to include a complete description of the items to be purchased and the cost of the items. If approval is granted and Lessees purchase the items the items will become the property of City and the amount of the purchase will be a credit against any payment due or becoming due under paragraph 4 above.

The City does not in any way guarantee the availability of the event tent to Lessees. The tent is subject to damage from weather or other unforeseeable events. Any loss of business or profits resulting from the unavailability of the tent is solely at the risk of the Lessees.

Lessees will provide proof to City that their insurance obligations specified in the Amsterdam River Link Park Concession Contract are extended to cover any event that they may host in the event tent prior to hosting any event.

Lessees agree that their agreements to indemnify City contained in paragraph 11 of the Amsterdam River Link Park Concession Contract apply to the event tent area of River Link Park. The Amsterdam River Link Park Concession Contract is modified as follows:

Paragraph 5 "Operation" addresses specific minimum hours for operation. There is no mechanism to change these hours other than a contract modification. The parties agree that these hours may be altered by written agreement between the Lessees and the Director of Recreation.

That the requirement that fire damage protection amount be increased to include replacement value of the café, deck and awning is removed as the Lessees do not have an insurable interest and cannot obtain coverage.

IN WITNESS WHEREOF, the City has caused these presents to be signed by the Mayor and the corporate seal to be hereunto affixed, and Bob Kirkham and Rena Gallup Lessees have caused these present to be signed.

Date:

City of Amsterdam, New York

A municipal corporation

By: _____

Mayor Ann M. Thane

By: _____

Lessee Bob Kirkham

By: _____

Lessee Rena Gallup