

COMMON COUNCIL MEETING

FEBRUARY 17, 2015

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
- XII: Adjournment

6:00 pm Engineering Committee (Called by Alderman Leggiero)

6:50 pm Public Hearing –Local Law C – Registered Agent Revision

RESOLUTIONS

Old Business

New Business

157	RESOLUTION ADOPTING MINUTES	BEEKMAN
158.	RESOLUTION APPROVING AUDIT	HATZENBUHLER
159.	RESOLUTION AUTHORIZING FILLING OF VACANCY	MAYOR
160.	RESOLUTION ADOPTING RULES OF PROCEDURE	HATZENBUHLER
161.	RESOLUTION ACCEPTING BID – 2015 TRUCK	LEGGIERO
162.	RESOLUTION AMENDING BUDGET – WATER TREATMENT	LEGGIERO
163.	RESOLUTION APPROVING SALE OF PROPERTY – MCELWAIN	LEGGIERO
164.	RESOLUTION AMENDING BUDGET – WATER TREATMENT	LEGGIERO
165.	RESOLUTION AMENDING BUDGET – FORECLOSURE EXP.	MAYOR
166.	RESOLUTION AMENDING BUDGET – WATER TREATMENT	LEGGIERO

**CITY OF AMSTERDAM, NY
COMMON COUNCIL
FEBRUARY 17, 2015**

RESOLUTION #14/15-157

RESOLUTION ADOPTING MINUTES OF THE LAST COMMON COUNCIL MEETING

BY: ALDERWOMAN BEEKMAN

RESOLVED, that the minutes of the Common Council meeting February 3, 2015 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: _____, 2015

**CITY OF AMSTERDAM, NY
COMMON COUNCIL
FEBRUARY 17, 2015**

RESOLUTION #14/15-158

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

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

ANN M. THANE, MAYOR

DATED: _____, 2015

**CITY OF AMSTERDAM, NY
COMMON COUNCIL
FEBRUARY 17, 2015**

RESOLUTION #14/15-159

RESOLUTION AUTHORIZING FILLING OF POSITION–CORPORATION COUNSEL SECRETARY

BY: MAYOR THANE

WHEREAS, a hiring freeze was enacted by Resolution \$13/14-250, and

WHEREAS, a vacancy exists in the office of Corporation Counsel due to resignation of secretary and funds have already been appropriated in the 2014-2015 budget,

RESOLVED, Corporation Counsel is hereby authorized to fill the vacancy of secretary.

Proposed amendment by Alderwoman Hatzenbuhler:

Remove existing Resolved clause.

Add:

WHEREAS, the city desires to avoid the cost of an employee and the associated fringe benefits and have the corporation counsel independently provide for any required clerical services needed in the Law Department and will therefore provide a stipend to the corporation counsel for this purpose,

RESOLVED, that a stipend in the amount of \$7,500 will be paid to the corporation counsel in five monthly installments in the amount of \$1,500 on the first of the month commencing February 1, 2015 and continuing through June 2015, and

FURTHER RESOLVED, that the 2014-2015 operating budget is amended as follows:

Decrease:

A.1420.1000	Personnel Services	\$1,875.00
F.8310.1000	“	\$1,875.00
G.8130.1020	“	\$1,875.00
CL.8160.1021	“	\$1,875.00

Increase:

A.1420.4000.0001	Stipend	\$1,875.00
F.8310.4000	Corp Counsel Contractual	\$1,875.00
G.8110.4137	“	\$1,875.00
CL.8160.4137	“	\$1,875.00

COMMON COUNCIL
City of Amsterdam, NY

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

ANN M. THANE, MAYOR

DATED: _____, 2015

**CITY OF AMSTERDAM, NY
COMMON COUNCIL
FEBRUARY 17, 2015**

RESOLUTION #14/15-160

RESOLUTION ADOPTING RULES OF PROCEDURE

BY: ALDERWOMAN HATZENBUHLER

RESOLVED, the Common Council hereby adopts the Rules of Procedure attached, dated January 1, 2014.

COMMON COUNCIL
City of Amsterdam, NY

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

ANN M. THANE, MAYOR

DATED: _____, 2015

**CITY OF AMSTERDAM
COMMON COUNCIL
RULES OF PROCEDURE**

Rev. 1/1/14

To be codified as Chapter 15 Common Council Rules

1. Purpose

The purpose of this chapter is to establish rules regulating the proceedings of the Common Council.

2. Meetings

a. MEETING TIMES - The regular meetings of the Common Council shall be held in the Common Council Chambers on the first and third Tuesday of each month beginning March 18, 2014. The meetings shall begin at seven o'clock in the evening.

b. SPECIAL COUNCIL MEETINGS - Special meetings of the Common Council may be held on the call of the Mayor or the call of two or more Council members. Notice to the Council members of the Special Meeting must be in writing, in the form of a copy of the agenda containing the text of all resolutions. Notice of the meeting may be either personally delivered greater than 24 hours prior to the meeting, sent by first class mail posted at least five days prior to the meeting date to the Council members' place of residence, or by electronic mail to the designated electronic mail address of the council member greater than 24 hours prior to the meeting. No resolutions, ordinances or local laws other than those listed in the notice may be acted upon, except by unanimous consent of all five council members. The notice requirements above may be waived by unanimous consent of all five council members.

c. QUORUM - The authorized number of Common Council members is five (5). A majority of the authorized number (three) makes up a quorum of the Common Council. No action of the Common Council shall be valid unless adopted by the affirmative vote of the majority of the authorized number of Common Council members. For example, if three Common Council members are present at a meeting, the quorum requirement is met. However, in order for a resolution, ordinance or local law to pass, all three Common Council members would have to vote in the affirmative. (See City Charter, Section C-28(c) and General Construction Law, Section 41.)

d. DEFAULT RULES OF ORDER – The conduct of meetings shall be governed by the current edition of Roberts' Rules of Order unless specifically superseded by a provision of this chapter, the City Charter or State Law.

e. AMENDMENT OF RULES - No rule in this chapter shall be altered, suspended nor rescinded unless by a majority vote of all the elected Common Council members. No motion to alter, suspend or rescind any Common Council rule shall be in order without the unanimous consent of the Common Council, unless notice of such alteration, suspension or rescission shall have been given at a previous, regular Common Council meeting. No motion to suspend shall embrace more than one rule nor relate to any other subject than the one specified in the motion.

f. CONDUCT OF MEETING

i. CHAIRPERSON – The chairperson of the Common Council shall be the mayor or in the absence of the mayor the deputy mayor.

ii. RECOGNITION BY CHAIR - No Council Member rising to debate to make a motion or report, or to present a petition or any other paper, shall proceed until that member has been recognized by the Chairperson to do so.

iii. NO SECOND REQUIRED - No motion shall require a second, except a motion to amend, or a motion that requires a two thirds vote such as a motion to call the previous question.

iv. READING OF RESOLUTIONS – The clerk shall only read the title of each resolution, local law, or ordinance. Upon the reading of the title of an item on the adopted agenda, the matter is before the common council for consideration and is deemed to have been moved by the sponsor. A synopsis of the resolution shall be given or resolution shall be read in their entirety upon request. Prior to a vote on any motion for an amendment the clerk shall read the entire proposed amendment.
RECORDING VOTE - The ayes and nays shall be recorded on all matters coming before the Common Council upon which a vote is taken.

v. DIVISION OF QUESTION - Any Common Council Member may require a division of a question which contains two or more distinct propositions, such division to be made by the Chairperson.

vi. RECONSIDERATION - No motion for a reconsideration of any vote shall be in order, unless made by a Common Council Member who voted with the majority. A motion for reconsideration must be made at the same or the next regular Common Council meeting after a vote on the matter to

be reconsidered. A motion for reconsideration, being put to a vote and defeated, shall not be renewed nor reconsidered, except by unanimous consent.

vii. PUBLIC PARTICIPATION - During the regular meetings of the Common Council, time shall be permitted for citizen participation with the following guidelines:

1. The public participation portion of the meeting shall be before the old and new business.
2. In the public participation period any person may speak on any topic, whatsoever, within the bounds of propriety, as determined by the Chairperson.
3. The person shall speak no longer than five (5) minutes.
4. Any response by a Council member shall not exceed three (3) minutes and be provided during "h. Other".

viii. SERGEANT-AT-ARMS -The Chief of Police (or in his absence, the Deputy Chief of Police) shall be the sergeant-at-arms of the Common Council and, in that capacity, shall attend all meetings when not otherwise engaged in official duties and, when directed by the Common Council, shall compel the attendance of absent Common Council Members.

g. ORDER OF BUSINESS

After calling the meeting to order, the Order of Business shall be as follows:

- First: Call to Order
- Second: Salute to the Flag
- Third: Roll Call
- Fourth: Adoption of Agenda
- Fifth: Proclamations
- Sixth: Communications and Presentations
- Seventh: Public Participation
- Eighth: Controllers Report
- Ninth: Old Business
 - a. Tabled Resolutions, Ordinances & Local Laws
- Tenth: 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
 - 1. Council Response to Public Comments, if needed
- Eleventh: Executive Session
- Twelfth: Adjournment

3. RESOLUTIONS, ORDINANCES AND LOCAL LAWS

- a. Requests to place a resolution, ordinance, local law or other matter on the agenda shall only be sponsored by the Mayor or Aldermen. Such a request must be made to the City Clerk, who is ex-officio clerk of the Common Council, on or before noon of the Wednesday preceding the regularly scheduled meeting. All requests must list the name of an appropriate sponsor and be on a form promulgated by the City Clerk for that purpose.
 - i. Requests shall contain all information necessary to draft a resolution, ordinance or local law, including a financial impact assessment.
 - ii. All requests seeking authorization of contracts will include a complete copy of the contract.
 - iii. All requests committing the expenditure of funds must list the source of such funds including applicable budget lines and remaining balances.
 - iv. All requests to seeking budget modifications shall include all budget lines and amounts necessary to draft the resolution. Such requests shall be reviewed by the Controller for accuracy and completeness prior to submission to the clerk.
 - v. If the sponsor desires that the request be submitted to a committee prior to inclusion on a regular meeting agenda the sponsor shall indicate this in the request.
 - vi. The City Clerk shall assemble the agenda and forward same electronically in editable form with supporting documentation to the Corporation Counsel on or before 4:00 PM on the Wednesday preceding the meeting.
 - vii. The Corporation Counsel shall review the agenda and associated resolutions, ordinances and local laws and return same to the City Clerk by noon on the Friday preceding the meeting.
 - viii. The City Clerk shall then publish the agenda to the Council members, department heads and the press no later than 3:00 PM on said Friday. A Council member may require the

clerk to issue their copy of the agenda in either paper or electronic format. The agenda shall include all supporting documentation.

- ix. No additional resolutions may be added to the agenda, thereafter, without four-fifths consent of the members present at the Common Council meeting.
 - b. **MANDATORY REFERRAL TO COMMITTEE** - Requests specified below require a mandatory referral to committee, and shall be forwarded to the appropriate committee chairman. The City Clerk, after consultation with the applicable committee chairperson, will schedule a committee meeting within two weeks of the submission of the request. Requests that only involve budget modifications that do not alter staffing levels shall not require a mandatory referral. A request designated by the Mayor as a time sensitive matter shall not require a mandatory referral.
 - i. All petitions, applications, ordinances or resolutions concerning paving, grading, extensions to the sewer system or water system, or other matters relative to the Department of Public Works, shall be referred to the Committee on Public Works, and that committee shall, with their report, transmit to the Common Council a written statement from the Director of Public Works or a Consulting Engineer describing the matter, explaining the need for the project, and listing expected costs and benefits.
 - ii. All petitions, applications, ordinances or resolutions concerning the Police Department, Fire Department, or any matter relative to Public Safety, shall be referred to the Committee on Public Safety, and that committee shall, with their report, transmit to the Common Council a written statement from the department head of the relevant department describing the matter, explaining the need for the project, and listing expected costs and benefits.
 - c. **REQUESTS THAT REQUIRE SPECIAL PRELIMINARY CONDITIONS**
 - i. All petitions and applications for new electric lights or changes in locations of electric lights shall, when filed with the City Clerk or presented to the Common Council, be referred to the Chief of Police, who shall report his recommendations to the Common Council for action. No resolution to approve a new electric light shall be placed on the agenda without a petition signed by ten residents from the affected area and a letter from the Chief of Police recommending the additional lighting. **A request for additional lighting initiated by the Chief of Police for the purpose of enhancing public safety shall not require a petition.**
 - d. **NUMBERING OF RESOLUTIONS** - All resolutions will be numbered consecutively, each fiscal year, from July 1, to June 30, with the first resolution of the new fiscal year bearing the number one (1), prefixed by the fiscal year (example #2011/12-1).
 - e. **NUMBERING OF ORDINANCES AND LOCAL LAWS** – Local Laws and Ordinances shall be assigned a numerical designation indicating the year and the sequential number of the enacted law or ordinance. The Clerk shall number local laws and ordinances prior to enactment with a consecutively assigned letter, as received; this shall serve as an introductory identifier.
 - f. **ENACTED LOCAL LAWS AND ORDINANCES** - The City Clerk shall file, in the Clerk's office, every local law upon its enactment and all local laws subject to mandatory referendum or referendum on petition. The City Clerk shall, within three (3) days after a local law takes effect, file three (3) certified copies of the local law in the office of the Secretary of State. The City Clerk shall cause to be published all enacted ordinances as required by the City Charter.
 - g. **FORMAT OF AMENDMENTS** - Resolutions, ordinances or local laws that amend the city code or charter shall show the complete section that is to be amended and shall indicate the items to be added as underlined and the items to be deleted as struck through.
4. **COMMITTEES**
- a. The Common Council at its organizational meeting shall form Standing and Special Committees. The Common Council, by majority vote, shall appoint and remove Council Members to the committees, from time to time, as the Common Council shall deem necessary. The names of the Common Council Members appointed to any committee together with its Chairperson, shall be designated in the appointment resolution. The Chairperson may designate from time to time any employee, consultant or other individual to receive notification of committee meetings by the clerk.
 - b. Standing Committees shall be as follows and shall be assigned the described areas of responsibility:
 - i. Audit – review and report on the backup documentation and procedural compliance with items included in the audit resolution;
 - ii. Bus Transportation – considers topics related to legislation, capital projects, staffing levels and budgeting in all matters related to bus transportation;
 - iii. Finance - considers topics related to legislation, staffing levels and budgeting in all matters related to the finance department;
 - iv. Housing and Code Enforcement – considers topics related to legislation, staffing levels and budgeting in all matters related to zoning and building codes;

- v. Human Resources - considers topics related to legislation, staffing levels and budgeting in all matters related to the civil service commission and the employee relations department;
 - vi. Insurance – considers topics related to contracts, legislation and budgeting in all matters related to insurance;
 - vii. Intergovernmental – considers topics related to interactions other municipalities and meets periodically with city supervisors;
 - viii. Public Safety – considers topics related to legislation, capital projects, staffing levels and budgeting in all matters related to public safety;
 - ix. Public Works – considers topics related to legislation, capital projects, staffing levels and budgeting in all matters related to the department of public works not including water, sewer and solid waste matters;
 - x. Recreation - considers topics related to legislation, staffing levels and budgeting in all matters related to recreation and golf;
 - xi. Rules and Procedures - considers topics related to the administrative operation of the Common Council;
 - xii. Solid Waste – considers topics related to legislation, capital projects, staffing levels and budgeting in all matters related to solid waste collection, disposal and recycling;
 - xiii. Water/Sewer – considers topics related to legislation, capital projects, staffing levels and budgeting in all matters related to water and sewer systems.
- c. ACTION BY COMMITTEE - All committees, to whom any petition, resolution, ordinance, or other matter is referred, shall submit either an oral or written report at the next regular Common Council meeting, after such referral. The presiding officer, at the next regular Common Council meeting, shall call upon such committees for their reports. The committees, upon making their reports, shall return the petition, or other matter, so referred. A committee neglecting or refusing to report, for two successive, regular Common Council meetings, on matters that may be referred to it, shall be discharged from the further consideration of the matter at the request of any three members of the Common Council and the matter shall be referred to the Committee of the Whole. The Committee of the Whole may be ordered by a vote of the Common Council.
- d. All committee meetings shall be recorded and minutes prepared by the clerk, if required.
5. LIAISONS TO VARIOUS BOARDS -The Common Council shall, by resolution, appoint and remove Common Council Members as liaison to the following boards, authorities or commissions:
- a. Amsterdam Housing Authority;
 - b. Amsterdam Industrial Development Agency;
 - c. Urban Renewal Agency;
 - d. Veterans Commission.
6. TRAINING REQUIREMENTS – The training requirement of C-9 of the City Charter for elected officials can be satisfied by any training program presented by the New York Conference of Mayors or in the alternative any program closely related to the duties of the elected official, such programs are to be pre-approved by the Controller and the hours of credit shall be set by the Controller.

**CITY OF AMSTERDAM, NY
COMMON COUNCIL
FEBRUARY 17, 2015**

RESOLUTION #14/15-161

RESOLUTION AWARDING BID – 2015 FORD PICKUP TRUCK W/SNOWPLOW

BY: ALDERMAN LEGGIERO

WHEREAS, bid specifications were advertised, and bids were received and opened by the City Clerk and reviewed by the City Engineer for a 2015 Ford F-350 4x4 pickup truck with snowplow,

RESOLVED, Van Bortel Ford of East Rochester is hereby award the contract for said truck in the amount of \$38,778 with funding from Bond Resolution dated September 19, 2012 (H-5110-2024).

COMMON COUNCIL
City of Amsterdam, NY

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

ANN M. THANE, MAYOR

DATED: _____, 2015

**CITY OF AMSTERDAM, NY
COMMON COUNCIL
FEBRUARY 17, 2015**

RESOLUTION #14/15-162

RESOLUTION AMENDING BUDGET – WATER TREATMENT PLANT

BY: ALDERMAN LEGGIERO

RESOLVED, the Controller is authorized to amend the 2014-2015 budget for repair of plant vehicle as follows:

DECREASE EXPENSE:

F-2680	Ins. Recoveries	\$2,955.47
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INCREASE EXPENSE:

F-8330-4086	Service Contract	\$2,955.47
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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: _____, 2015

**CITY OF AMSTERDAM, NY
COMMON COUNCIL
FEBRUARY 17, 2015**

RESOLUTION #14/15-163

RESOLUTION APPROVING SALE OF PROPERTY – 3 MCELWAIN AVE

BY: ALDERMAN LEGGIERO

WHEREAS, the City of Amsterdam is in possession of surplus real property at 3 McElwain Avenue (vacant lot) designated by tax map # SBL 39.75-2-69 and

WHEREAS, applications by Karen D & William B Smith and Richard Liberti have been reviewed by the Property Disposition Committee and recommended for sale,

RESOLVED, the Mayor is authorized to execute a deed transferring a 25 ft x 100 ft. portion of property at 3 McElwain Avenue to Karen D & William B Smith for consideration in the amount of \$375 plus all recording fees, and

FURTHER RESOLVED, the Mayor is authorized to execute a deed transferring a 10 ft by 100 ft portion of the property at 3 McElwain Avenue to Richard Liberti for consideration in the amount of \$250 plus all recording fees.

COMMON COUNCIL
City of Amsterdam, NY

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

ANN M. THANE, MAYOR

DATED: _____, 2015

**CITY OF AMSTERDAM, NY
COMMON COUNCIL
FEBRUARY 17, 2015**

RESOLUTION #14/15-166

RESOLUTION AMENDING BUDGET – WATER TREATMENT PLANT

BY: MAYOR THANE

RESOLVED, the Controller is authorized to amend the 2014-2015 budget for transfer of funds to cover shortfall in electricity lines as follows:

DECREASE EXPENSE:

F-8320-4022	Natural Gas	\$7,062.00
F-8341-4022	Natural Gas	\$ 600.00

INCREASE EXPENSE”

F-8320-4024	Electricity	\$7,062.00
F-8341`-4024	Electricity	\$ 600.00

COMMON COUNCIL
City of Amsterdam, NY

	Aye	Nay

Alderman Russo		

Alderman Barone		

Alderman Leggiero		

ANN M. THANE, MAYOR

DATED: _____, 2015