

**CITY OF AMSTERDAM, NEW YORK
COMMON COUNCIL MEETING
FEBRUARY 18, 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 Ordinance 2014-"C", "D", "E"
 - (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

6:00 pm Committee of the Whole
6:45 pm - Public Hearing – Ordinance "C" of 2014
6:45 pm - Public Hearing – Ordinance "D" of 2014
6:45 pm - Public Hearing – Ordinance "E" of 2014

RESOLUTIONS

Old Business

- | | |
|--|--------------|
| 173. RESOLUTION AWARDING CONTRACT – GOLF CONCESSIONAIRE | RUSSO |
| 177. RESOLUTION APPROVING FUNDING TO LAND BANK | MAYOR |

New Business

- | | |
|---|---------------------|
| 180. RESOLUTION ADOPTING MINUTES | BEEKMAN |
| 181. RESOLUTION APPROVING AUDIT | HATZENBUHLER |
| 182. RESOLUTION IN SUPPORT OF LOCATING CASINO | FULL COUNCIL |
| 183. RESOLUTION APPOINTING PLANNING BOARD MEMBER | MAYOR |
| 184. RESOLUTION AUTHORIZING RENEWAL OF UNDERTAKING | LEGGIERO |
| 185. RESOLUTION AMENDING BUDGET – SANITARY SEWER | LEGGIERO |
| 186. RESOLUTION AMENDING BUDGET – FIRE | RUSSO |
| 187. RESOLUTION AMENDING BUDGET – ENGINEERING | LEGGIERO |

ORDINANCE

- | | |
|--|---------------------|
| Ordinance 2014-C: An Ordinance Amending Chapter 228 | HATZENBUHLER |
| Ordinance 2014-D: An Ordinance Amending Chapter 228 | HATZENBUHLER |
| Ordinance 2014-E: An Ordinance Amending Chapter 228 | HATZENBUHLER |

**CITY OF AMSTERDAM, NY
COMMON COUNCIL
FEBRUARY 4, 2014**

RESOLUTION #13/14-173

REVISED

RESOLUTION AWARDING CONTRACT – GOLF CONCESSIONAIRE

BY: ALDERMAN RUSSO

WHEREAS, Laura Elmendorf has submitted a proposal to the Common Council for operation of the restaurant and bar at the Arthur Carter Municipal Golf Course, and

WHEREAS, it is proposed that the contract be for five years effective January 1, 2014 through December 31, 2019 with an automatic three year extension to be looked at in the 4th year of the contract,

RESOLVED, the Mayor is authorized to sign an agreement with Laura Elmendorf for concessionaire and bar service in the amount of \$18,500 in the first year, and

FURTHER RESOLVED, said contract shall be signed by the Deputy Mayor ~~Controller~~ and/or City Clerk should the Mayor refuse or is unable to sign said contract.

MOTION TO TABLE by Alderman Russo passed with Aye. (2/4/14)

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
FEBRUARY 4, 2014**

RESOLUTION #13/14-177

RESOLUTION APPROVING AGREEMENT TO FUND LAND BANK

BY: MAYOR AND ENTIRE COMMON COUNCIL

WHEREAS, the City of Amsterdam desires to provide initial funding to the Land Reutilization Corporation of the Capital Region (Land Bank) for the purpose of paying expenses related to insurance, maintenance and rehabilitation of various Land Bank properties in the City of Amsterdam for the purpose of preserving and enhancing property values, and

WHEREAS, the Land Bank will attempt to refund this initial funding from the proceeds from the eventual sale of rehabilitated properties,

RESOLVED, that the Mayor is authorized to execute an agreement with the Land Bank to provide initial funding of \$60,000 to be paid in installments as proposed in the letter from the Land Bank dated January 23, 2014, and

FURTHER RESOLVED, that the General Fund Operating Budget is hereby amended to create an expense appropriation for the purpose of providing this initial funding in the amount of \$60,000.00.

MOTION TO AMEND by Alderman Barone, in the second WHEREAS, delete “attempt to”, passed with Aye.

MOTION TO TABLE by Alderwoman Hatzenbuhler passed with Aye. (2/4/14)

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
FEBRUARY 18, 2014**

RESOLUTION #13/14-180

RESOLUTION ADOPTING MINUTES OF THE LAST COMMON COUNCIL MEETING

BY: ALDERWOMAN BEEKMAN

RESOLVED, that the minutes of the Common Council meeting of February 4, 2014, prepared by the Amsterdam City Clerk are hereby adopted.

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
FEBRUARY 18, 2014**

RESOLUTION #13/14-181

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

Alderman Russo		

Alderwoman Beekman		

Alderman Barone		

Alderwoman Hatzenbuhler		

Alderman Leggiero		

ANN M. THANE, MAYOR

Dated: _____, 2014

**CITY OF AMSTERDAM, NY
COMMON COUNCIL
FEBRUARY 18, 2014**

RESOLUTION #13/14-182

RESOLUTION STATING SUPPORT FOR LOCATING A CASINO IN SUPPORTING COMMUNITIES IN MONTGOMERY COUNTY

BY: MAYOR THANE AND FULL COUNCIL

WHEREAS, on November 5th, in a referendum as part of the 2013 General Election, state voters approved the development of seven commercial casinos, with Montgomery County voters also voting in support of the commercial casino referendum; and

WHEREAS, siting for the commercial casinos approved by State voters is now underway across New York State; and

WHEREAS, the City of Amsterdam Common Council has received calls and emails of support for a commercial casino operation in the County; and

WHEREAS, in recognition of the potential economic benefits, the City of Amsterdam Common Council is supportive of a commercial casino being located in the County, provided there is stated support from the host municipality;

RESOLVED, the City of Amsterdam Common Council does hereby declare support for the siting of a commercial casino in Montgomery County, based on the positive economic and fiscal benefits, provided there is stated support from the host municipality in Montgomery County; and

FURTHER RESOLVED, the City Clerk is requested to transmit certified copies of this resolution to Governor Andrew Cuomo, Senator Cecilia Tkaczyk and Assemblyman Angelo Santabarbara.

COMMON COUNCIL
City of Amsterdam, NY

	Aye	Nay

Alderman Russo		

Alderman Barone		

Alderman Leggiero		

ANN M. THANE, MAYOR

Dated: _____, 2014

**CITY OF AMSTERDAM, NY
COMMON COUNCIL
FEBRUARY 18, 2014**

RESOLUTION #13/14-183

RESOLUTION APPOINTING MEMBER OF PLANNING BOARD

BY: MAYOR THANE

WHEREAS, a vacancy exists on the City of Amsterdam Planning Board,

RESOLVED, Judith Hefferman Elmy, 10 Sanford Avenue, Amsterdam is hereby appointed to the Planning Board for a term to expire April 1, 2015.

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
FEBRUARY 18, 2014**

RESOLUTION #13/14-184

RESOLUTION AUTHORIZING RENEWAL OF UNDERTAKING WITH STATE OF NEW YORK

BY: ALDERMAN LEGGIERO

RESOLVED, the Mayor is authorized to sign the attached renewal of “undertaking” with the State of New York in connection with permits issued by NYS Department of Transportation for maintenance of City-owned utilities and special use permits within the State-owned highways for a renewal term of fifteen (15) years.

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



UNDERTAKING
For the benefit of
The New York State Department of Transportation
In connection with work affecting state highways
(For use by New York municipalities and federal agencies)

WHEREAS, the undersigned _____ (Municipality, County, Town, City or Village, or any agency of the federal government, hereinafter referred to as "Permittee") from time to time receives permits from the New York State Department of Transportation (hereinafter referred to as the "NYSDOT") and otherwise conducts activities and operations upon highways and/or within right-of-way controlled by the State of New York for such purposes as the obstruction, installation, construction, maintenance and/or operation of facilities; and

WHEREAS, Permittee's access and operation upon state right-of-way is conditioned upon compliance with Highway Law Sections 52, 103, 203 and/or 234, including the conditions that Permittee assume all responsibility for (a) the temporary control of all modes of traffic (including motorized and non-motorized travel) affected by Permittee's operations, (b) complete restoration of state facilities to their condition prior to permitted use or activity, and (c) all claims, damages, losses and expenses,

NOW, THEREFORE, in relation to all operations and/or actions undertaken within state right-of-way, Permittee hereby agrees to the following terms and conditions:

1. Permit Applications. Excepting only activities undertaken to protect public safety because of emergency conditions or incidents, Permittee shall provide timely written notice to NYSDOT of operations or activities affecting state right-of-way. Under normal circumstances, a minimum of five business days notice shall be provided. Notification of emergency activities shall be provided to NYSDOT as soon as practicable after the activity. The Permittee shall apply for project-specific permits for activities not allowed under any existing annual permit. Such application shall identify proposed project locations, desired dates/hours, proposed work/activities, traffic control, and site restoration

2. Applicable Rules, Regulations & Conditions. Permittee shall comply with all of the laws, rules and regulations applicable to construction, maintenance activities and operations and shall further comply with such terms and conditions that may be imposed by NYSDOT in connection with permitted activity or operations. Temporary Traffic Control, highway safety appurtenances, and restoration of state facilities shall be completed in accordance with NYSDOT regulations and standards.

3. Site Restoration. Permittee shall, at its own expense, promptly complete the work allowed under each permit and, within a reasonable time, restore State property damaged by its work/activities to substantially the same or equivalent condition as existed before such work was begun as determined by the Commissioner or his/her designee. In the event that the Permittee fails to so restore damaged State property within what the Commissioner deems to be a reasonable time, the Commissioner, after giving written notice to the Permittee, may restore the property to substantially the same or equivalent condition as existed before the Permittee's work/activities, in which case, Permittee agrees to reimburse the reasonable expenses in connection therewith.

4. **Payment & Release of Liens.** Permittee shall be responsible for the payment of all costs and materials relating to its work in the public right-of-way, and agrees to defend and save harmless NYSDOT against any and all lien claims made by persons supplying services or materials to Permittee in connection with Permittee's work.

5. **Indemnity.** In addition to the protection afforded to NYSDOT under any available insurance, NYSDOT shall not be liable for any damage or injury to the Permittee, its agents, employees, or to any other person, or to any property, occurring on the site or in any way associated with Permittee's activities or operations, whether undertaken by Permittee's own forces or by contractors or other agents working on Permittee's behalf. To the fullest extent permitted by law, the Permittee agrees to defend, indemnify and hold harmless the State of New York, NYSDOT, and their agents from and against all claims, damages, losses and expenses, including but not limited to, claims for personal injuries, property damage, wrongful death, and/or environmental claims and attorney fees arising out of any such claim, that are in any way associated with the Permittee's, activities or operations under any and all permits issued using this Undertaking.

FURTHERMORE, Permittee hereby warrants that the obligations of this Undertaking are backed by the full faith and credit of Permittee. Permittee may insure or bond any of the obligations set forth herein, or may rely upon self-insurance, budgeted funds, or funds for general operations.

This Undertaking shall be applicable to all permitted activities and operations undertaken after the date of execution and work initiated while this Undertaking is in effect. This Undertaking may be revoked by the Permittee or rejected by NYSDOT upon thirty days written notice but will continue to apply to all permitted activities/operations that were permitted by virtue of this Undertaking. Unless terminated for the purpose of future activities/operations, this Undertaking shall have a term of twenty (20) years and shall be kept on file to facilitate the issuance of future permits to which it will apply.

IN WITNESS WHEREOF, _____ (Municipality-County, Town, City, Village or federal agency) agrees to the terms of this Undertaking, and has caused its execution by the authorized officer or employee (attach Resolution of Approval).

Authorized Agent

Date

Print Name/Title

Address

() _____
Phone number

Address

e-mail

**CITY OF AMSTERDAM, NY
COMMON COUNCIL
FEBRUARY 18, 2014**

RESOLUTION #13/14-185

RESOLUTION AMENDING BUDGET – SANITARY SEWER

BY: ALDERMAN LEGGIERO

WHEREAS, a budget amendment is needed as a result of some major repairs and replacement of necessary equipment during this fiscal year at the Sanitary Sewer plant and recent catastrophic failure of all three pumps at the Westside Pump Station, two of which are still in need of repair resulting in a shortfall in the equipment repair line,

RESOLVED, the Controller is authorized to amend the 2013-2014 budget as follows:

DECREASE EXPENSE:

G-8110-4036	Contingency	\$50,000 (bal \$110,653.85)
-------------	-------------	-----------------------------

INCREASE EXPENSE:

G-8120-4021	Repairs	\$50,000
-------------	---------	----------

COMMON COUNCIL
City of Amsterdam, NY

	Aye	Nay

Alderman Russo		

Alderman Barone		

Alderman Leggiero		

ANN M. THANE, MAYOR

Dated: _____, 2014

**CITY OF AMSTERDAM, NY
COMMON COUNCIL
FEBRUARY 18, 2014**

RESOLUTION #13/14-186

RESOLUTION AMENDING BUDGET – FIRE

BY: ALDERMAN RUSSO

WHEREAS, a budget amendment for receipt of AFD EMTs and Paramedics for the purchase of equipment and supplies,

RESOLVED, the Controller is authorized to amend the 2013-2014 budget as follows:

INCREASE REVENUE:

A-3099	NYS Bldg Code & Fire Aid	\$1,250
--------	-----------------------------	---------

INCREASE EXPENSE:

A-3410-4000	Contractual	\$1,250
-------------	-------------	---------

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
FEBRUARY 18, 2014**

RESOLUTION #13/14-187

RESOLUTION AMENDING BUDGET – ENGINEERING

BY: ALDERMAN LEGGIERO

WHEREAS, a budget amendment for receipt of money from FEMA for repairs to the Waste Water Treatment Plant,

RESOLVED, the Controller is authorized to amend the 2013-2014 budget as follows:

INCREASE REVENUE:

H-3097	State Aid	\$17,986.43
--------	-----------	-------------

INCREASE EXPENSE:

H-8130-4008	WWTP Repairs (11FEMA05)	\$17,986.43
-------------	----------------------------	-------------

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, NEW YORK
COMMON COUNCIL MEETING
FEBRUARY 4, 2014**

Ordinance Number 2014-C

AN ORDINANCE AMENDING CHAPTER 228 OF THE CODE OF THE CITY OF AMSTERDAM –PARKING

BY: ALDERWOMAN HATZENBUHLER

WHEREAS, it is necessary to revise the city code to include no parking on portions of Lenox Street.

The City of Amsterdam, in Common Council convened, does hereby,
ORDAIN AND ENACT as follows:

§ 228-47 – Schedule XIII: Parking Prohibited at All Times is hereby amended as indicated as follows: (strike through indicates existing text to be deleted, underlined indicates new text to be added)

<u>Name of Street</u>	<u>Side</u>	<u>Location</u>
<u>Lenox Street</u>	<u>North</u>	<u>starting at a appoint 80 feet West from the intersection of Gorski Street, and terminating at the Eastern edge of the driveway of 33 Catherine Street as it exits onto Lenox Street, a zone approximately 40 feet in length.</u>

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, NEW YORK
COMMON COUNCIL MEETING
FEBRUARY 4, 2014**

Ordinance Number 2014-E

AN ORDINANCE AMENDING CHAPTER 228 OF THE CODE OF THE CITY OF AMSTERDAM – Stop Signs on Lenox Street at intersection with Gorski Street.

BY: ALDERWOMAN HATZENBUHLER

WHEREAS, it is necessary to revise the city code to include a four way stop at the intersection of Lenox Street and Gorski Street.

The City of Amsterdam, in Common Council convened, does hereby,
ORDAIN AND ENACT as follows:

§ 228-43 – Schedule XI: Stop Intersections, is hereby amended as indicated as follows: (strike through indicates existing text to be deleted, underlined indicates new text to be added)

<u>Stop Sign On</u>	<u>Direction of Travel</u>	<u>At Intersection</u>
<u>Lenox Street</u>	<u>Both</u>	<u>Gorski Street</u>

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