

**COMMON COUNCIL MEETING
JANUARY 20, 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:
 - Gary McCarthy, Mayor Schenectady**
 - Receipt of Award for Shared Code Enforcement from the Regional Economic Development Council
- VII. Public Participation
- VIII. Controller's Report
- IX. Old Business: *Resolution 14/15-135*
- X. New Business:
 - (a) Resolutions
 - (b) Ordinances
 - (c) Local Laws: *Local Law A, Local Law B*
 - (d) Introduction of Ordinances:
 - (e) Introduction of Local Laws
 - (f) Committee Reports
 - (g) Scheduling of Committee Meetings
 - (h) Other
- XI. Executive Session
- XII: Adjournment

RESOLUTIONS

Old Business

135 *Resolution Amending Budget – Recreation*

Russo

New Business

145 RESOLUTION ADOPTING MINUTES

BEEKMAN

146. RESOLUTION APPROVING AUDIT

HATZENBUHLER

147. RESOLUTION APPROVING AGREEMENT-HOMELAND SEC.

RUSSO

148. RESOLUTION AMENDING BUDGET – POLICE

RUSSO

149. RESOLUTION AMENDING BUDGET – TRANSPORTATION

RUSSO

Ordinances

2015-A Ordinance Amending Chapter 228-43 of the Code of the City of
Amsterdam – Stop Signs

Barone

**CITY OF AMSTERDAM, NY
COMMON COUNCIL
JANUARY 6, 2015**

RESOLUTION #14/15-135

RESOLUTION AMENDING BUDGET - RECREATION

BY: ALDERMAN RUSSO

RESOLVED, Controller is authorized to amend the 2014-2015 budget for receipt of Recreation insurance recovery for hail damage as follows:

INCREASE REVENUE

A-7020-	Insurance Recovery	\$54,638.55
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INCREASE EXPENSE”

A-7020-4000	Contractual	\$54,638.55
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MOTION TO TABLE by Alderman Barone passed with Aye. (1/6/15)

COMMON COUNCIL
City of Amsterdam, NY

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

ANN M. THANE, MAYOR

DATED: _____, 2015

Recreation Department

61 Church St.
Amsterdam, NY 12010

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Robert Spagnola
Recreation Director

Phone (518) 841-4328
Fax (518) 842-6802

Insurance Recovery – Hail Damage

Veterans Park – Pavilion	38,854.27
Veterans Park – Garage	1902.60
Shuttleworth Park - Roof	245
Isabels Field - Concession	4481.47
Isabels Field - Shed	350
Riverlink Park – Roof	3524.63
Riverlink Park – Shed	350
Riverlink Park – Roof	559.92
Riverlink Park – Roof	1366.63
Arts Center – Siding	6878.66

Total - 54,638.55

\$54,638.55 Insurance Funds should be transferred to A 7020 4000

Money will be used for:

Veterans Park garage roof	\$5000
Amsterdam Girls Softball lights	\$5000
Shuttleworth Park baseball seating	\$2000
Shuttleworth Park turf maintenance equipment	\$4000
Isabels Park Field of Dreams	\$10,000
Boccee Courts	\$6000
Barkley Basketball Courts resurface	\$8000
9/11 Monument	\$10,000
Arts Center/Community Garden	\$4000

**CITY OF AMSTERDAM, NY
COMMON COUNCIL
JANUARY 20, 2015**

RESOLUTION #14/15-145

RESOLUTION ADOPTING MINUTES OF THE LAST COMMON COUNCIL MEETING

BY: ALDERWOMAN BEEKMAN

RESOLVED, that the minutes of the Common Council meeting January 6, 2015 and Special Meeting of January 9, 2015 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: _____, 2015

**CITY OF AMSTERDAM, NY
COMMON COUNCIL
JANUARY 20, 2015**

RESOLUTION #14/15-146

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: _____, 2015

**CITY OF AMSTERDAM, NY
COMMON COUNCIL
JANUARY 20, 2015**

RESOLUTION #14/15-147

**RESOLUTION APPROVING AGREEMENT WITH MONTGOMERY COUNTY –
TACTICAL TEAM GRANT PROGRAM**

BY: ALDERMAN RUSSO

RESOLVED, the Mayor is authorized to sign an agreement with Montgomery County for shared services under the FY2014 Tactical Team Grant Program provided through the US Department of Homeland Security’s State Homeland Security Grant Program.

COMMON COUNCIL
City of Amsterdam, NY

	Aye	Nay
Alderman Russo		
Alderman Beekman		
Alderman Barone		
Alderman Hatzenbuehler		
Alderman Leggiero		

ANN M. THANE, MAYOR

DATED: _____, 2015

**CITY OF AMSTERDAM, NY
COMMON COUNCIL
JANUARY 20, 2015**

RESOLUTION #14/15-148

RESOLUTION AMENDING BUDGET – POLICE

BY: ALDERMAN RUSSO

RESOLVED, the Controller is authorized to amend the 2014-2015 budget for receipt of insurance reimbursement for auto accident with APD vehicle, as follows:

INCREASE REVENUE

A-2680	Insurance Recovery	\$1,291.60
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INCREASE EXPENSE:

A-3120-4021	Equipment Repair	\$1,291.60
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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: _____, 2015

**CITY OF AMSTERDAM, NY
COMMON COUNCIL
JANUARY 20, 2015**

RESOLUTION #14/15-149

RESOLUTION AMENDING BUDGET – TRANSPORTATION

BY: ALDERMAN RUSSO

RESOLVED, the Controller is authorized to amend the 2014-2015 budget for receipt of insurance reimbursement for accident as follows:

INCREASE REVENUE

CT-2680	Insurance Recovery	\$500.00
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INCREASE EXPENSE:

CT-5630-1001	Overtime	\$500.00
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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: _____, 2015

**CITY OF AMSTERDAM, NEW YORK
COMMON COUNCIL MEETING
JANUARY 6, 2015**

**LOCAL LAW # A of 2015_ - A LOCAL LAW REVISING CITY CHARTER SECTION C-94
COLLECTION PERIOD AND PENALTIES**

BY: MAYOR THANE

BE IT ENACTED by the Common Council of the City of Amsterdam as follows:

That Section C-94 of the Charter of the City of Amsterdam is hereby amended.

SECTION 1. PURPOSE AND LEGISLATIVE INTENT.

The intent of this amendment is to set the interest rate on delinquent taxes at a level that is consistent with the rest of the state. The existing rate was set at a time of very high inflation and interest rates and is currently excessive under the current economic conditions.

SECTION 2. – SUBSTANTIVE PROVISIONS.

City Charter section C-94 Term of Installment Agreements, is amended as indicated below: (underlined text is added and struck through text is to be deleted)

§C-94. Collection period and penalties. [Amended 8-5-1980 by L.L. No. 5-1980, ref. date] [Effective until June 30, 2015]

The taxes in four equal installments shall be due and payable during the months of July, October, January and April, which months are designated as the collection period. On the first day of the month succeeding the collection period, there shall be added to all unpaid taxes due, interest at the rate of 2%, of the unpaid quarterly installment for the first month and an additional two percent for each month thereafter of fraction thereof that it remains unpaid

[Effective July 1, 2015]

The taxes in four equal installments shall be due and payable during the months of July, October, January and April, which months are designated as the collection period. The amount of interest to be added on all taxes received after the interest free period and all delinquent taxes shall be as specified by Real Property Tax Law §924-a.

SECTION 3. SEVERABILITY

Should any section or provision of this local law be decided by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the local law as a whole or any parts thereof other than the part so decided to be unconstitutional or invalid.

SECTION 4. ENABLING LEGISLATION

This Local Law is adopted pursuant to the authority granted by Real Property Tax Law Section 924-a and Section 10 of the Municipal Home Rule Law of the State of New York.

SECTION 5. EFFECTIVE DATE

This local law is effective when filed with the Secretary of State.

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, NEW YORK
COMMON COUNCIL MEETING
JANUARY 6, 2015**

LOCAL LAW # B of 2015 - A LOCAL LAW REVISING ARTICLE IX PAYMENT OF DELINQUENT TAXES

BY: MAYOR THANE

BE IT ENACTED by the Common Council of the City of Amsterdam as follows:

That Article IX of the code of City of Amsterdam is hereby amended.

SECTION 1. PURPOSE AND LEGISLATIVE INTENT.

The intent of this amendment is to allow flexibility to the Controller to enter into payment agreements with owner-occupied residential property owners.

SECTION 2. – SUBSTANTIVE PROVISIONS.

City Code section §214-66 Term of Installment Agreements, is amended as indicated below: (underlined text is added and struck through text is to be deleted)

§214-66. Term of installment agreement.

The term of the installment agreement shall be 24 months; the payment schedule shall be monthly, quarterly or semiannually; the required initial down payment shall be either 25% of the eligible delinquent taxes or in the case of owner occupied residential property 15% of the eligible delinquent taxes, and eligible properties shall include all properties within the City of Amsterdam.

SECTION 3. SEVERABILITY

Should any section or provision of this local law be decided by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the local law as a whole or any parts thereof other than the part so decided to be unconstitutional or invalid.

SECTION 4. ENABLING LEGISLATION

This Local Law is adopted pursuant to the authority granted by Real Property Tax Law Section 1184.

SECTION 5. EFFECTIVE DATE

This local law is effective when filed with the Secretary of State.

COMMON COUNCIL
City of Amsterdam, NY

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

ANN M. THANE, MAYOR

DATED: _____, 2015

**CITY OF AMSTERDAM, NEW YORK
COMMON COUNCIL MEETING
JULY 15, 2014**

ORDINANCE NUMBER- 2015-A (for introduction)

AN ORDINANCE AMENDING CHAPTER 228-43 OF THE CODE OF THE CITY OF AMSTERDAM – CHAPTER §228-43

BY: ALDERMAN BARONE

WHEREAS, it has been requested that stop signs be placed on Evelyn Avenue at the intersection of Wesleyan in both directions,

The City of Amsterdam, in Common Council convened, does hereby,

ORDAIN AND ENACT as follows:

Chapter §228-43 “Schedule XI Stop Intersections” of the code of the City of Amsterdam is hereby amended as indicated below:

Add to the schedule:

<u>Name of Street</u>	<u>Direction of Travel</u>	<u>Location</u>
<u>Evelyn</u>	<u>both</u>	<u>intersection with Wesleyan</u>

This Ordinance shall take effect pursuant to Section C33 of the Charter.

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
JANUARY 20, 2014

**LOCAL LAW NO. C OF 2015 - A LOCAL LAW AMENDING CHAPTER 156
NONRESIDENT, MULTIFAMILY OR COMMERCIAL PROPERTY OWNER
REGISTRATION (for introduction)**

BY: ALDERMAN LEGGIERO

BE IT ENACTED by the Common Council of the City of Amsterdam as follows:

SECTION 1. PURPOSE AND LEGISLATIVE INTENT

The intent of these amendments is to clarify various provisions within Chapter 156 and expand its applicability to nonresident owned single family residential properties.

SECTION 2. – SUBSTANTIVE PROVISIONS.

Chapter 156: Non Resident, Residential or Commercial Property Owner Registration is amended as follows: (strike through indicates existing text to be removed, underline text indicates new text to be added)

Chapter 156: Non Resident, ~~Multifamily~~Residential or Commercial Property Owner Registration

§156-1. Purpose and legislative intent. [Amended 3-3-2009 by L.L. No. 1-2009; Amended 1-2015 by LL No. 1-2015]

The purpose of this chapter is to protect the health, safety and welfare of residents, to protect a diverse housing stock from deterioration, and to facilitate service of process and administration of housing inspections and code enforcement. The Common Council finds and declares that the registration of nonresident ~~multifamily rental~~ residential and commercial property owners ~~and nonresident commercial property owners~~ is intended to and will ensure the protection of persons and property in all existing residential ~~multifamily rental~~ and commercial property and ensure that property owners and prospective property owners are informed of, and adhere to, code provisions governing the use and maintenance of rental and commercial properties.

§156-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

COMMERCIAL PROPERTY -- Any real property located in the City of Amsterdam that is improved by a structure that is not designed to be used for residential purposes. This definition is limited in applicability to this chapter.

DESIGNATION CERTIFICATE -- A form designating a registered agent for an owner.

MULTIFAMILY/RESIDENTIAL PROPERTY -- Any parcel of real property located in the City of Amsterdam that is improved by a structure or group of structures that are designed to be used for residential purposes, ~~for more than one family occupancy.~~

OWNER -- Any person or entity who, alone or with others, has legal or equitable title to real property.

REGISTERED AGENT -- Any person designated by the owner as described in this chapter.

§156-3. Registration required.

An owner of any residential or commercial property or multifamily/residential property who is not a resident of Montgomery County or an adjoining county, or is not a natural person (i.e., an LLC, Corporation, etc.) is required to designate a registered agent. In the instance where an owner who is not a natural person has a place of business in Montgomery or an adjoining county then the \$30 filing fee established by §156-6 shall be waived.

§156-4. Designation of registered agent.

Any owner of real property in the City of Amsterdam required to designate a registered agent shall file with the City Clerk a designation certificate on a form prescribed by the City Clerk. The designation certificate shall name a natural person, over the age of 18 years, residing in Montgomery County or an adjoining county as an agent to receive service of all notices of code violations, legal notices and process arising from the Uniform Code and the codes and laws of the City of Amsterdam related to real property in the City of Amsterdam. The registered agent shall acknowledge the designation certificate before a notary, consenting to such designation and swearing to the registered agent's residence and contact information. The owner shall acknowledge or have an officer acknowledge the designation certificate appointing the registered agent and consenting to the service of any notice or legal process on the agent before a notary. The designation certificate shall remain in effect until replaced by the owner or canceled pursuant to § 156-5 or until three years elapse from the date of filing. Owners and registered agents shall list their physical addresses in addition to any post office box on the designation certificate.

§156-5. Duties of registered agent; penalties for offenses.

The registered agent shall notify the City Clerk of the City of Amsterdam within 15 days of any change of address or telephone number. The registered agent shall accept service of all notices and legal process on behalf of the owner arising from the uniform fire and building codes and codes and laws of the City of Amsterdam related to real property in the City of Amsterdam. The registered agent shall contact the owner within one day of receipt of any notice or legal process on the owner's behalf. The registered agent may only terminate its agency status by the owner filing a replacement designation certificate or upon 30 days' written notice of termination of agency status, personally served on the owner, with proof of service filed with the City Clerk of the City of Amsterdam. Failure of the registered agent to comply with these duties is punishable by a fine not to exceed \$250 or 15 days in jail.

§156-6. Duties of owner; fees.

Any owner required to designate a registered agent by § 156-3 shall designate such agent by the later of 120 days from taking title to a property requiring such designation or by January 1, 2009. The owner shall pay a fee of \$30 upon filing a designation certificate or a replacement certificate. Each certificate may apply to up to four unique properties for one fee of \$30. Failure to file the designation certificate within the time above or failure to file a replacement designation certificate within 30 days of the notice of cancellation by the registered agent, lapse of the designation certificate or notice by the City of Amsterdam that a replacement agent is required shall cause a code enforcement fee to be charged to the owner in the amount of \$2 per month for each \$1,000 of full assessed value of the property requiring designation of a registered agent, not to exceed \$250 per month nor be less than \$20 per month per property. Failure to pay these fees within 30 days of the invoice date shall cause the charge to become a lien against the associated real property and be levied with the City taxes against the real property.

SECTION 3. SEVERABILITY

Should any section or provision of this local law be decided by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the local law as a whole or any parts thereof other than the part so decided to be unconstitutional or invalid.

SECTION 4. ENABLING LEGISLATION

This Local Law is adopted pursuant to the authority granted by Section 10 of the Municipal Home Rule Law of the State of New York.

SECTION 5. EFFECTIVE DATE

This local law shall be effective when filed with the Secretary of State.