

COMMON COUNCIL MEETING

JUNE 17, 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**
 - a. Clairvest Group – Casino Proposal**
- VII. Public Participation**
- VIII. Controller’s Report**
- IX. Old Business: Res. #13/14-250 Resolution Regarding City-Wide Hiring Freeze**
- 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**
 - 6:30 pm Personnel Committee**

**THIS ENTIRE MEETING WILL TAKE PLACE IN THE
COMMON COUNCIL CHAMBER, 61 CHURCH STREET,
AMSTERDAM**

RESOLUTIONS

Old Business

250.	RESOLUTION REGARDING CITY-WIDE HIRING FREEZE	BARONE
276	RESOLUTION ESTABLISHING WORK DAY – RETIREMENT	MAYOR
283	RESOLUTION APPROVING MEM. OF AGREEMENT – CSEA	RUSSO

New Business

286	RESOLUTION ADOPTING MINUTES	BEEKMAN
287	RESOLUTION APPROVING AUDIT	HATZENBUHLER
288	RESOLUTION IN SUPPORT OF CASINO SITING - AMSTERDAM	MAYOR
289	RESOLUTION IN SUPPORT OF CASINO SITING – T. FLORIDA	MAYOR
290	RESOLUTION AWARDING CHEMICAL BIDS	LEGGIERO
291	RESOLUTION AMENDING BUDGET – FIRE	RUSSO
292	RESOLUTION AMENDING BUDGET – POLICE	RUSSO
293	RESOLUTION AMENDING BUDGET – ENGINEERING	LEGGIERO
294	RESOLUTION AMENDING BUDGET – ENGINEERING	LEGGIERO
295.	RESOLUTION AMENDING BUDGET – COMM. ECON. DEV.	LEGGIERO
296.	RESOLUTION AMENDING BUDGET – FIRE	RUSSO
297	RESOLUTION AMENDING BUDGET – RECREATION	RUSSO
298	RESOLUTION AMENDING BUDGET – RECREATION	RUSSO
299	RESOLUTION AMENDING BUDGET – RECREATION	RUSSO
300	RESOLUTION AMENDING BUYDGET -MAYOR	MAYOR
301	RESOLUTION APPROVING CLAIM - DAVES LANDSCAPING	MAYOR
302	RESOLUTION OVERRIDING BUDGET VETO	HATZENBUHLER
303.	RESOLUTION AUTHORIZING AGREEMENT – GILLILAN AVE	MAYOR

**CITY OF AMSTERDAM, NY
COMMON COUNCIL
MAY 6, 2014**

RESOLUTION 313/14-250

RESOLUTION REGARDING CITY-WIDE HIRING FREEZE

BY: ALDERMAN BARONE

WHEREAS, the City of Amsterdam may have a significant budget shortfall,

RESOLVED, effective May 7, 2014 a hiring freeze is in effect for all departments in the City of Amsterdam.

MOTION TO TABLE by Alderman Barone passed with Aye. (5/6/14)

MOTION TO REMOVE FROM TABLE by Alderman Barone passed with Aye. (5/20/14)

MOTION TO TABLE by Alderman Barone passed with Aye. (5/20/14)

MOTION TO REMOVE FROM TABLE by Alderman Barone passed with Aye. (6/3/14)

MOTION TO TABLE by Alderman Barone passed with Aye (6/3/14)

COMMON COUNCIL
City of Amsterdam, NY

	Aye	Nay

Alderman Russo		

Alderwoman Beekman		

Alderman Barone		

Alderwoman Hatzenbuhler		

Alderman Leggiero		

ANN M. THANE, MAYOR

Dated: _____, 2014

Note: Under Charter sections 35, 36 and 37 the mayor is the appointing authority for most positions. This resolution, if adopted, would not restrict the mayor's authority to appoint. Likewise it will not restrict the controller's power of appointment. It would restrict the Police Chief and Fire Chief from filling vacancies in their departments. G. DeCusatis

**CITY OF AMSTERDAM, NY
COMMON COUNCIL
JUNE 3, 2014**

RESOLUTION #13/14-276

AMENDED

RESOLUTION ESTABLISHING STANDARD WORK DAYS FOR ELECTED AND APPOINTED OFFICIALS

BY: MAYOR THANE

RESOLVED, the City of Amsterdam hereby establishes the following as standard work days for elected and appointed officials and will report the following days worked to the New York State and Local Employees Retirement System based on the record of activities maintained and submitted by these officials to the Clerk of this body.

Title	Name	Standard Work Day (hrs/day)	Term Begins/Ends	Participates in Employer's Time Keeping System (Y/N)	Days/Month (based on record of Activities)
ELECTED					
Alderman	Edward Russo	2	1/1/2014-12/31/2015	N	7
Alderwoman	Diane Hatzenbuhler	2	1/1/2014-12/31/2015	N	7
Mayor	Ann M Thane	6	1/1/2012-12/31/2015	N	20
Controller	Matthew Agresta	6	1/1/2014-12/31/2015	N	20
APPOINTED					
City Clerk	Susan Alibozek	7	1/1/2014-12/31/2015	Y	20
Corp. Counsel	Gerard DeCusatis	6	1/1/2012-12/31/2015	N	20
Recreation Dir.	Robert Spagnola	8	4/4/2005 -	Y	20
Deputy Controller	David M. Mitchell	8	2/28/2013-	Y	20

MOTION TO REFER TO PERSONNEL COMMITTEE passed with Aye. (6/3/14)

COMMON COUNCIL
City of Amsterdam, NY

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

ANN M. THANE, MAYOR

Dated: _____, 2014

**CITY OF AMSTERDAM, NY
COMMON COUNCIL
JUNE 3, 2014**

RESOLUTION #13/14-284(consent)

RESOLUTION APPROVING CONTRACT – FIRE CHIEF

BY: ALDERMAN RUSSO

RESOLVED, the attached contract between the City of Amsterdam and the Fire Chief is hereby approved by the Common Council.

MOTION TO REFER TO PERSONNEL COMMITTEE passed with Aye 6/3/14)

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
JUNE 17, 2014**

RESOLUTION #13/14-286

RESOLUTION ADOPTING MINUTES OF THE LAST COMMON COUNCIL MEETINGS

BY: ALDER WOMAN BEEKMAN

RESOLVED, that the minutes of the Common Council meeting of the Special meeting of June 3, 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
JUNE 17, 2014**

RESOLUTION #13/14-287

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
JUNE 17, 2014**

RESOLUTION #13/14-288

RESOLUTION STATING SUPPORT FOR THE LOCATION, APPROVAL AND OPERATION OF A CASINO IN THE CITY OF AMSTERDAM

BY: MAYOR THANE

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

WHEREAS, the Upstate Gaming Economic Development Act of 2013 (Chapters 174 and 175 of the Laws of 2013) known as the "Gaming Act" was enacted on July 30, 2013; and

WHEREAS, pursuant to the Gaming Act, four casinos are to be sited within three regions of the State; and

WHEREAS, one of the regions is Region 2 and includes the County of Montgomery, City of Amsterdam and Town of Florida; and

WHEREAS, the Gaming Act creates the Resort Gaming Facility Location Board to review and evaluate the applications submitted to make selections of who is eligible to apply for a commercial gaming license in New York State; and

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

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

WHEREAS, in recognition of the potential economic benefits, this City Council is supportive of a commercial casino being located in the City of Amsterdam;

RESOLVED, in furtherance of the above goals, this City Council does hereby agree to the location of of a commercial casino proposed by Florida Acquisition Corp.; Clairvest Group; and/or Great Canadian Gaming Corp., in the City of Amsterdam, situated on two parcels of land in the Town of Florida and the City of Amsterdam, adjacent to Exit 27 of the New York State Thruway, based on the positive economic and fiscal benefits; and

FURTHER RESOLVED, the Clerk of this Council is 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 Beekman		
Alderman Barone		
Alderman Hatzenbuehler		
Alderman Leggiero		

ANN M. THANE, MAYOR

Dated: _____, 2014

**CITY OF AMSTERDAM, NY
COMMON COUNCIL
JUNE 17, 2014**

RESOLUTION #13/14-289

RESOLUTION STATING SUPPORT FOR THE LOCATION, APPROVAL AND OPERATION OF A CASINO IN THE TOWN OF FLORIDA

BY: MAYOR THANE

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

WHEREAS, the Upstate Gaming Economic Development Act of 2013 (Chapters 174 and 175 of the Laws of 2013) known as the "Gaming Act" was enacted on July 30, 2013; and

WHEREAS, pursuant to the Gaming Act, four casinos are to be sited within three regions of the State; and

WHEREAS, one of the regions is Region 2 and includes the County of Montgomery, City of Amsterdam and Town of Florida; and

WHEREAS, the Gaming Act creates the Resort Gaming Facility Location Board to review and evaluate the applications submitted to make selections of who is eligible to apply for a commercial gaming license in New York State; and

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

WHEREAS, this Town Board has received calls and emails of support for a commercial casino operation in the Town; and

WHEREAS, in recognition of the potential economic benefits, this Town Board is supportive of a commercial casino being located in the Town of Florida;

RESOLVED, in furtherance of the above goals, this Town Board does hereby agree to the location of of a commercial casino proposed by Florida Acquisition Corp.; Clairvest Group; and/or Great Canadian Gaming Corp., in the Town of Florida, situated on two parcels of land in the Town of Florida and the City of Amsterdam, adjacent to Exit 27 of the New York State Thruway, based on the positive economic and fiscal benefits; and

FURTHER RESOLVED, the Clerk of this Board is 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 Beekman		
Alderman Barone		
Alderman Hatzenbuehler		
Alderman Leggiero		

ANN M. THANE, MAYOR

Dated: _____, 2014

**CITY OF AMSTERDAM, NY
COMMON COUNCIL
JUNE 17, 2014**

RESOLUTION #13/14-290

RESOLUTION AWARDING CHEMICAL BID FOR 204-2015

BY: ALDERMAN LEGGIERO

WHEREAS, bids for chemicals for the Water Treatment Plant were advertised for, received and opened on June 3, 2014, and

WHEREAS, the Chief Plant Operator has reviewed these bids and has recommended awarding contracts as set forth below,

RESOLVED, that contracts for chemicals are awarded to the lowest qualified bidders as follows:

Item #1 - Hydrated Lime -	Madigan Lime Co.	\$291.20/ton
Item #2 - Liquid Chlorine 150# Cylinder -	JCI Jones Chemical	\$760.00/ton
Item #3 - Liquid Chlorine Ton Cylinder -	JCI Jones Chemical Co.	\$600.00/ton
Item #4 - Purate-	Azure	\$1,360.00/ton
Item #5 - Sulfuric Acid -	Slack Chemical Co.	\$349.12/ton
Item #6 - Polyaluminum Chloride -	Holland Company Inc.	\$470.00/ton
Item #7 - Cationic Polymer Coagulant Aid -	Slack Chemical Co., Inc.	\$2,810.00/ton
Item #8 - Cationic Filter Aid-	Coyne Chemical Co.	\$4,265.4000/ton
Item #9 - Caustic Soda	Surpass Chemical	\$173..75/ton
Item #10 - Phosphoric Acid	Shannon Chemical Co. Inc.	\$607.07.00/ton

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
JUNE 17, 2014**

RESOLUTION #13/14-292

RESOLUTION AMENDING BUDGET – POLICE

BY: ALDERMAN RUSSO

RESOLVED, the Controller is authorized to amend the 2013-2014 budget to pay fleet car wash expense for May and June 2014 as follows:

DECREASE EXPENSE:

A-3120-4058	Lock up Maint.	\$205.00
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INCREASE EXPENSE:

A-3120-4059	Police Car Wash	\$250.00
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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: _____, 2014

**CITY OF AMSTERDAM, NY
COMMON COUNCIL
JUNE 17, 2014**

RESOLUTION #13/14-293

RESOLUTION AMENDING BUDGET – ENGINEERING

BY: ALDERMAN LEGGIERO

RESOLVED, the Controller is authorized to amend the 2013-2014 budget for receipt of insurance motor vehicle accident insurance monies as follows:

INCREASE REVENUE:

A-2680.21	Ins, Recoveries	\$4;368.99
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INCREASE EXPENSE:

A-5110.4021	Equip. Repairs	\$ 568.99
A-5142-4042	Replacement parts	\$3,800.00

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
JUNE 17, 2014**

RESOLUTION #13/14-294

RESOLUTION AMENDING BUDGET – ENGINEERING

BY: ALDERMAN LEGGIERO

RESOLVED, the Controller is authorized to amend the 2013-2014 budget to cover the cost of June cleanup overtime as follows:

DECREASE EXPENSE:

CL-8160-4140	Clean up weeks	\$3,750
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INCREASE EXPENSE:

CL-8160-1001	Overtime	\$3,750
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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
JUNE 17, 2014**

RESOLUTION #13/14-295

RESOLUTION AMENDING BUDGET – FIRE

BY: ALDERMAN RUSSO

RESOLVED, the Controller is authorized to amend the 2013-2014 budget to cover shortfall in upgrading and fire vacation buyout lines and incorrect line use for Kelly days paid during February through May as follows:

DECREASE EXPENSE:

A-3410-4001	CAG Exp.	\$ 250.00 (bal. \$250)
A-3410-4031	Unalloc. Ins.	\$ 2,520.40 (bal. \$26,194.19)
A-3410-1000	Personnel Serv.	\$18,002.82 (bal. \$173,218.64)

INCREASE EXPENSE:

A-3410-1006	Upgrading	\$ 250.00
A-3410-1902	Fire Vac. Buyout	\$ 2,520.40
A-3410-1700	Kelly Days	\$18,002.82

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
JUNE 17, 2014**

RESOLUTION #13/14-296

RESOLUTION AMENDING BUDGET–COMMUNITY & ECONOMIC DEVELOPMENT

BY: ALDERMAN LEGGIERO

RESOLVED, the Controller is authorized to amend the 2013-2014 budget to correct the use of wrong line items in budget for salary of Community & Economic Development Director as follows:

DECREASE EXPENSE:

F-8340-1000	Personnel Ser.	\$ 6,934.65
CL-8160-1021.23	Personnel CED	\$11,250.00
G-8130-1020.23	Personnel CED	\$11,250.00

INCREASE EXPENSE:

F-8310-1000	Personnel Services	\$ 6,934.65
CL8160-1021	Personnel CED	\$11,250.00
G-8130-1020	Personnel CED	\$11,250.00

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
JUNE 17, 2014**

RESOLUTION #13/14-297

RESOLUTION AMENDING BUDGET – RECREATION

BY: ALDERMAN RUSSO

RESOLVED, the Controller is authorized to amend the 2013-2014 budget balance line items in the recreation budget as follows:

DECREASE EXPENSE:

A-7020-1009	Pool Salary	\$3,415.00
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INCREASE EXPENSE:

A-7020-1001	Overtime	\$2,840.32
A-7020-1005	Longevity	\$ 700.00
A-7020-4000	Contractual	\$ 274.08

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
JUNE 17, 2014**

RESOLUTION #13/14-299

RESOLUTION AMENDING BUDGET – RECREATION

BY: ALDERMAN RUSSO

RESOLVED, the Controller is authorized to amend the 2013-2014 budget for receipt of insurance monies as a result of ice damage to docks at Riverlink Park as follows:

INCREASE REVENUE:

A-2680	Ins. Recovery	\$16,950
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INCREASE EXPENSE:

A-7020-4000	Contractual	\$16,950
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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
JUNE 17, 2014**

RESOLUTION #13/14-300

RESOLUTION AMENDING BUDGET – MAYOR

BY: MAYOR THANE

RESOLVED, the Controller is authorized to amend the 2013-2014 budget for payment of outside legal counsel for mayor as follows:

DECREASE EXPENSE:

A-1420-4000	Legal Contract.	\$3,573.24 (bal. \$9,573.24)
F-8310-4000.37	Counsel Contract	\$3,468.94 (bal. \$3,468.94)
F-8110-4137.07	Counsel Contract	\$2,892.91 (bal. \$1,892.91)
CL-8160-4137.07	Counsel Contract	\$1,234.93 (bal. \$1,234.93)
A-1990-4036	Contingency	\$ 457.49 (bal. \$34,571.01)

INCREASE EXPENSE:

A-1930-4015	Legal Counsel	\$11,627.51
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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
JUNE 17, 2014**

RESOLUTION #13/14-301

RESOLUTION APPROVING CLAIM – DAVE’S LANDSCAPING

BY: MAYOR THANE

RESOLVED, the attached claim #14-16 submitted by Dave’s Landscaping & Tree Services is hereby approved in the amount of \$4,900.

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
CLAIM FORM

14-15

TAKE NOTICE: CLAIMS AGAINST THE CITY MUST BE FILED WITHIN NINETY (90)
DAYS AFTER THE INCIDENT OCCURRED

CLAIMANT'S NAME: Dave's Ramping LLC David Tabor

CLAIMANT'S ADDRESS: 101 East Court NY 12010
Street No. City State Zip Code

HOME #: 843-1891 WORK # 842-2091 CELL # 858-7876

LOCATION OF DAMAGE: 101 East St Room of Blvd

DATE & TIME OF DAMAGE: 6/3/14 2:13 PM

DESCRIBE INCIDENT IN DETAIL (WHAT WAS DAMAGED, HOW IT WAS DAMAGED AND
BY WHOM): Storm drain haul up destroyed pavement
apron at rear garage - per maintenance of
Storm drain on the local contract

GIVE NAMES, ADDRESSES & PHONE NUMBERS OF ANY WITNESSES: 20 Employees
Dave Tabor - Steve Sumner - Ryan Sumner
Mike Azano - Ryan - David Tabor 101 East Court NY

ESTIMATED COST OF DAMAGE (Attach receipts/estimates): 4900

WAS PRIOR NOTICE GIVEN TO CITY (If yes, when and to whom): City Eng Dept
Mary Tabor

Claimant's signature: David Tabor Date: 6/13/14

NOTE: Claimant must sign this document in the presence of a NOTARY PUBLIC

SWORN to before me on this _____ day of _____, 200__

NOTARY PUBLIC

SHOULD YOU HAVE ANY QUESTIONS CONCERNING THE LEGAL PROCEDURE AND TIME
FRAME INVOLVED WITH THE FILING OF THIS CLAIM, PLEASE CONTACT AN ATTORNEY

**CITY OF AMSTERDAM, NY
COMMON COUNCIL
JUNE 17, 2014**

RESOLUTION #13/14-302

**RESOLUTION OVERRIDING MAYOR'S PORTIONS OF VETO OF RESOLUTION
ADOPTING THE 2014-2015 BUDGET**

BY: ALDERWOMAN HATZENBUHLER

WHEREAS, Mayor Thane issued a veto of portions of the 2014-2015 budget amended and adopted by the Common Council on May 28, 2014 as per attached,

RESOLVED, the Common Council overrides the following vetoes of Resolution #13/14-267 by Mayor Thane:

- *Adjustment #2* \$2,100 - Contractual Shared Services
- *Adjustment #3* \$8,731 – Controller
- *Adjustment #10* \$31,211 - Corporation Counsel
- *Adjustment #11* \$38,509 – New Hire – Personnel
- *Adjustment #12* \$56,363 - General Supervisor DPW
- *Adjustment #14* \$40,000 – General Fund to Golf Fund
- *Adjustment #16* \$4,000 – Records Management
- *Adjustment #41* \$16,000 – Clean Up Weeks
- *Adjustment #?* \$46,076 – Police position

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
MAY 29, 2014

RESOLUTION #13/14-266

RESOLUTION ADOPTING 2014-2015 OPERATING BUDGET AS AMENDED

BY: ALDERWOMAN HATZENBUHLER

WHEREAS, a public hearing was held on May 13, 2014 upon the 2014-2015 operating budget as submitted by Mayor Thane, and

WHEREAS, the Common Council has met and considered the various estimates of revenue and appropriations contained therein, and

WHEREAS, the Common Council desires to make various modifications to the Mayor's proposed operating budget,

RESOLVED, that pursuant to City Charter section C-118(c) the Common Council hereby adopts the budget with the modifications as are specified in detail in the attached document and the same is hereby filed with the City Clerk and the City Clerk is directed to present same to the Mayor for consideration on or before June 1, 2014.

RESOLUTION ADOPTED UNANIMOUSLY.

COMMON COUNCIL
City of Amsterdam, NY

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

ANN M. THANE, MAYOR

Dated: _____, 2014

This is to certify that I, Susan Alibozek, City Clerk of the City of Amsterdam, County of Montgomery, State of New York, that the above is the original Resolution, passed by the City of Amsterdam Common Council on May 29, 2014, a majority of all members elected to the Council voting in favor

I have set my hand and the official seal of the City of Amsterdam this 30th day May, 2014.


CITY CLERK

CITY SEAL

Received & Filed in the Office of the City Clerk: _____ Received by: _____

Pursuant to Charter section C-118(D)(3), I hereby object to some of the changes adopted by the Common Council as they are not in the best interest of city taxpayers. The overall effect of the Common Council's modification of the budget is detrimental to the City's ability to remain under the state imposed tax cap. The maximum amount of unused tax levy that can be carried over is \$73,585. The Common Council's modifications increase the margin to the tax cap to \$114,840. This will remove available taxing power from the City by the amount of \$41,254 in the coming year, the difference between the margin and the carryover limit, which may result in our exceeding the tax cap in future years. The reason that this is important is that in the future the state plans to distribute funds to taxpayers in communities that comply with the tax cap; it would be a mistake to increase the difficulty of future compliance.

I object to the following Common Council Budget Adjustments:

1. **Adjustment #14:** reduction of the Golf Fund Administrative charges from \$50,000 to \$10,000. This modification fails to account for the significant services provided by all of the other city funds to the golf enterprise. Watering the course alone costs the city over \$80,000 a year. This reduction causes city taxpayers and user fee payers to subsidize the golf fund. This is unfair.
2. **Adjustment #3:** reduction of \$8,731 from the Allocations section of the Controller's budget for accounting interns. Removal of resources from this department is not warranted given the significant accounting challenges that the city faces. Even if the funds are not ultimately used for interns they will be available for a transfer within the department.
3. **Adjustment #10:** removal of the Corporation Counsel's secretary in the amount of \$31,211. This change will remove the only staff support for the Corporation Counsel. The position is a confidential position and the duties cannot be assumed by shifting them to other clerical staff. Further, existing city employees do not have sufficient time to assume these duties. The Corporation Counsel's office handles labor negotiations and employee discipline; these sensitive matters cannot be assigned to non-confidential employees. As well, the Corporation Counsel handles property transfers; conducts contract reviews and negotiations; assists with Department of Labor issues; prosecutes violations of the city code; handles all litigated city matters; drafts proposed legislation and ordinances; provides legal opinions on all subjects upon request; and serves as legal counsel at city meetings. Without sufficient staff support, the Corporation Counsel will be forced to spend precious time on matters that are administrative rather than on the critical functions of the law department.
4. **Adjustment #2:** reduction of the contractual shared services Allocation amount by \$2,100. This adjustment will negatively impact the ability to maintain City Hall. It is short sighted to forego proper maintenance of this historic building, as deferred maintenance will cost more down the line.
5. **Adjustment #16:** reduction of Allocation for records management equipment by \$4,000. This is necessary to address the poor condition of the records management functions in the city. Loss of efficiency in all departments costs taxpayer dollars.

6. **Adjustment #11:** removal of Employee Relations/Civil Service staff in the amount of \$38,509. This position is needed to improve operations of the department, provide full-time coverage of office hours and to be a resource for institutional memory.
7. **Adjustment #12:** removal of the DPW supervisory position in the amount of \$56,363. This position is required to improve oversight and productivity in the department of public works, thus saving taxpayer dollars through improved efficiencies.
8. **Adjustment #41:** reduction of clean up weeks funding by \$16,000. This change will make it impossible to have a clean-up week without a budget modification. Funds may not be available if this expense is not budgeted. This line had been reduced from over a hundred thousand dollars a year in past administrations and now provides a community drop off site for volunteers to clean city streets, parks and streams (amassing 24 tons of debris over six years) and for a week of free drop off at the transfer station for city residents. The city should provide this funding, as it is critical to the cleanliness and health of our city.
9. **Adjustment #unnumbered:** it appears that the funding of a police position was reduced by \$46,076 based on an expected retirement. This modification should not be made. By leaving the funding in place there will be funds available to defray retirement payouts and any modifications needed for collective bargaining agreements.

It should be noted that I have not objected to every change the council has proposed. The objections I have made speak mainly to areas of concern that will impact critical operations in a negative way and will cost taxpayers in the long run. I offer these changes in the spirit of compromise and hope that the council will meet me on middle ground by accepting these suggested revisions.

Dated: June 12, 2014


Ann M. Thane, Mayor

Common Council 2014/15 Budget Adjustments

1. Cut \$1,000.00 from line 1010.4000 (Contractual-Aldermen)
2. Cut \$2,100.00 from line 1620.4000 (Contractual Shared Services)
3. Cut a total of \$9,628.00 from Controller's Operating Budget
4. Cut \$233.00 from Mayor's Operating Budget
5. Cut \$1,000.00 from City Clerk's Operating Budget
6. Cut \$390.00 from Code Enforcement Operating Budget
7. Cut \$26.00 from Civil Service Operating Budget
8. Cut \$205.00 from Assessor Vacation Buyout
9. Cut 2% salary increase for Corporation Counsel (\$1,380.00)
10. Cut funding for Corporation Counsel Administrative Assistant position (\$30,600.00)
11. Cut proposed New Hire for Personnel (\$38,509.00)
12. Cut funding for additional General Supervisor at DPW (\$56,363.00)
13. Cut additional \$1/hr raise given to Water Treatment employees.
14. Cut \$40,000.00 off transfer to General Fund from the Golf Fund
15. Cut \$5,166.00 from Corporation Counsel Contractual Line
16. Cut \$4,000.00 from Records Management budget
17. Added \$30,000.00 to Zone 5 line for two new hires at APD
18. Cut \$39,500.00 from AFD Overtime line.
19. Cut \$2,000.00 from AFD line 3410.1400 (Sevr Sick)
20. Cut \$2,000.00 from 3410.1502 (Insurance Buyout)
21. Cut \$4,800.00 from 3410.1902 (Vacation Buyout)
22. Cut \$500.00 from 5110.2012 (Equip./ Supplies)
23. Cut \$500.00 from 5110.4021 (Equip. Repairs)
24. Cut \$1,000.00 from 5110.4042 (Replacement Parts)
25. Cut \$2,500.00 from 5110.4074 (Blacktop)
26. Cut \$1,000.00 from 5110.4075 (Gravel/Sand/Rubble/Cement)
27. Cut \$1,000.00 from 5142.4042 (Replacement Parts)
28. Cut \$3000.00 from 5142.2012 (Equip/ Snow Removal)
29. Cut \$1,000.00 from 5142.4081 (Sand)
30. Cut \$4,100.00 from 7020.2012 (Equip/ Supplies)
31. Cut \$2,800.00 from 8330.4000 (Contractual Expense)
32. Cut \$5,000.00 from 8330.4086 (Service Contract)
33. Cut \$5,000.00 from 8330.4089 (Outside Testing)
34. Cut \$1,250.00 from 8320.2012 (Equipment/Supplies)
35. Cut \$2,500.00 from 8340.2012 (Equip /Supplies)
36. Cut \$2,500.00 from 8340.4000 (Contractual Expense)
37. Cut \$1,000.00 from 8130.2012 (Equipment/ Supplies)
38. Cut \$2,750.00 from 8130.4000 (Contractual Expense)
39. Cut \$2,750.00 from 8130.4076 (Engineering Services)
40. Cut \$4,000.00 from 8160.4000 (Contractual Expense)

REV + EXP.

41. Cut \$16,000.00 from 8160.4140 (Clean Up Week)
42. Reduced salary of Employee Relations Director to 2013-14 level
43. Added \$50,000.00 to the General Fund Contingency line item.

**CITY OF AMSTERDAM, NY
COMMON COUNCIL
JUNE 17, 2014**

RESOLUTION #13/14-303

RESOLUTION AUTHORIZING AGREEMENT – GILLILAND AVENUE

BY: MAYOR THANE

WHEREAS, the City of Amsterdam desires to use portions of certain properties located at Gilliland Avenue, in the City of Amsterdam, for a period of two years as a detour, and

WHEREAS, these properties are owned by David Falso, Dave's Landscaping LLC, and Santos Construction Corp., and said property owners request a Hold Harmless Agreement from the City of Amsterdam for the use of their properties;

RESOLVED, the Mayor is authorized to sign the attached agreement.

COMMON COUNCIL
City of Amsterdam, NY

	Aye	Nay

Alderman Russo		

Alderwoman Beekman		

Alderman Barone		

Alderwoman Hatzenbuhler		

Alderman Leggiero		

ANN M. THANE, MAYOR

Dated: _____, 2014

GILLILAND AVENUE DETOUR
LICENSE AND HOLD HARMLESS AGREEMENT

This Agreement is entered into by and between the City of Amsterdam, New York, hereinafter referred to as, City, and David Falso, Dave's Landscaping LLC and Santos Construction Corp., hereinafter referred to as, Landowners.

RECITALS

WHEREAS, the City of Amsterdam desires to use portions of certain properties located at Gilliland Avenue, in the City of Amsterdam, for a period of two years as a detour, and

WHEREAS, these properties are owned by David Falso, Dave's Landscaping LLC, and Santos Construction Corp., and said property owners request a Hold Harmless Agreement from the City of Amsterdam for the use of their properties; now, therefore,

AGREEMENT

The City and Landowners agree as follows:

The Landowners grant to the City permission to use such portions of their properties as is depicted on exhibit "A," a survey map titled "Gillian Avenue Detour" (the map incorrectly spells the avenue name), prepared by Azimuth Associates, for a period of two (2) years from June 15, 2014 through June 15, 2016 as a detour route for public traffic.

The City shall maintain the use of a twenty-two (22) foot width of the Landowners' premises located at Gilliland Avenue, Amsterdam, New York, and the City further agrees to plow, properly de-ice, sweep during the summer and maintain said detour as it would other roads in the City of Amsterdam. City further agrees to, no later than August 1, 2014:

Install stop signs at both ends of the detour.

Stripe the detour.

Provide a certificate of insurance naming the Landowners as additional insureds, within 15 days of any policy renewal.

Clean, maintain and repair storm drains in the area of the detour, including clean and repair storm drains between Dave's Landscaping's building and the building of Santos construction and the Erie Street storm drains.

Continue a 1 ½ inch water service to Dave Falso's property for the purpose of filling hydro seeding trucks. This service will be at no cost until the agreement expires then it will be billed at a flat rate under a hydrant permit.

The landowners are concerned with the adequate compliance with these provisions. The above items shall be completed within a reasonable time framed to be agreed to between the parties or by August 1, 2014 in the absence of a further agreement as to time of completion. Should the schedule not be met, the Landowners may notify the City of the specific area of non-compliance and if the City does not cure the deficiency, then the Landowners, either jointly or severally, may cancel this agreement after 60 days from the date notice of non-compliance was delivered to the City Clerk.

Landowners retain the right to reasonably park their business and customer vehicles in the detour for loading and unload and vehicle maintenance.

City will indemnify and hold harmless the Landowners from any and all claims, actions, and judgments, including costs of defense and attorney's fees incurred in defending against same, arising from and related to City's use of the premises located at Gilliland Avenue, Amsterdam, New York, as a detour.

Landowners shall be entitled, in its reasonable discretion, to settle claims, as defined in paragraph 3 above, prior to suit or judgment, with the prior approval of City and such approval shall not be unreasonably denied, and in such event, City shall indemnify and hold harmless Landowners for any such claims paid, including Landowners reasonable attorney's fees incurred resulting from such claim.

In the event any claim or suit is brought against Landowners within the scope of this Agreement, City shall pay reasonable fees for legal counsel chosen by Landowners to defend against same.

This Agreement shall only encompass claims resulting from the City's use of Landowners' property.

In the event either party files suit in a court of law to interpret or enforce the terms of the Agreement, the party prevailing in such action shall be entitled, in addition to any legal fees incurred in defending against a third party claim, to its reasonable legal fees and cost incurred in such action to interpret or to enforce the terms of this Agreement.

This Agreement shall be interpreted under the laws of the State of New York.

Dated:

CITY OF AMSTERDAM, City
By: MAYOR ANN THANE

DAVE'S LANDSCAPING, LLC.
Landowner
By:

SANTOS CONSTRUCTION,
Landowner
By:

State of New York }
County of Montgomery } ss.:

On the ____ day of _____ in the year Two Thousand Fourteen, before me, the undersigned, a Notary Public in and for said State, personally appeared, _____ personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Notary Public

State of New York }
County of Montgomery } ss.:

On the ____ day of _____ in the year Two Thousand Fourteen, before me, the undersigned, a Notary Public in and for said State, personally appeared, _____ personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

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State of New York }
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Notary Public