

**CITY OF AMSTERDAM, NEW YORK
COMMON COUNCIL MEETING
JUNE 5, 2012
7:30 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
Rich Miller, Engineering
- 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 (if required)
- XII: Adjournment

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

RESOLUTIONS

- | | | |
|------|--|----------------|
| 255. | RESOLUTION ADOPTING MINUTES | DEROSSİ |
| 256. | RESOLUTION APPROVING AUDIT | LEGGİERO |
| 257. | RESOLUTION APPROVING SALE OF PROPERTY – 78 WALL | LEGGİERO |
| 258. | RESOLUTION TRANSFERRING VOTING MACHINE TO GASD | MAYOR |
| 259. | RESOLUTION APPROVING/DENYING CLAIMS | ISABEL/DEROSSİ |
| 260. | RESOLUTION AMENDING BUDGET – WATER TREATMENT | LEGGİERO |
| 261. | RESOLUTION AUTHORIZING ON-LINE AUCTION SERVICES | MAYOR |
| 262. | RESOLUTION CHANGE IN NAMES OF CERTAIN STREETS | LEGGİERO |
| 263. | RESOLUTION AUTHORIZING TRANSFER – ASSESSOR | LEGGİERO |
| 264. | RESOLUTION APPROVING APPLICATION – NYSOPRHP | MAYOR |
| 265. | RESOLUTION AMENDING BUDGET – TRANSPORTATION | DYBAS |
| 266. | RESOLUTION AUTHORIZING PAYMENT OF CLAIM | ENTİRE COUNCIL |
| 267. | RESOLUTION TRANSFERRING FUNDS – WATER TREATMENT | LEGGİERO |
| 268. | RESOLUTION AWARĐING SALE OF SCRAP METAL BID | LEGGİERO |
| 269. | RESOLUTION APPOINTING MEMBERS OF LAND BANK BOARD | MAYOR |

**CITY OF AMSTERDAM, NY
COMMON COUNCIL
JUNE 5, 2012**

RESOLUTION #11/12-255

RESOLUTION ADOPTING MINUTES OF THE COMMON COUNCIL MEETING

BY: ALDERWOMAN DEROSI

RESOLVED, that the minutes of the Common Council meeting of May 15, 2012, prepared by the Amsterdam City Clerk are hereby approved.

COMMON COUNCIL
City of Amsterdam, NY

	Aye	Nay

Alderman Isabel		
Alderwoman Beekman		
Alderwoman DeRossi		
Alderman Dybas		
Alderman Leggiero		

ANN M. THANE, MAYOR

**CITY OF AMSTERDAM, NY
COMMON COUNCIL
JUNE 5, 2012**

RESOLUTION #11/12-256

RESOLUTION APPROVING AUDIT

BY: ALDERMAN LEGGIERO

RESOLVED, the bills examined by the Common Council and reported herewith as correct and they are, allowed and ordered paid and the City Clerk is authorized and empowered to issue warrants in payment of same.

COMMON COUNCIL
City of Amsterdam, NY

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

ANN M. THANE, MAYOR

Dated: _____, 2012

**CITY OF AMSTERDAM, NY
COMMON COUNCIL
JUNE 5, 2012**

RESOLUTION #11/12-257

RESOLUTION APPROVING SALE OF PROPERTY - 78 WALL STREET

BY: ALDERMAN LEGGIERO

WHEREAS, the City of Amsterdam is in possession of surplus real property at 78 Wall Street (vacant lot as a result of demolition of a house) designated by tax map # SBL 39.83-6-8, and

WHEREAS, an application by Lourdes Bernadette Twente has been reviewed by the Property Disposition Committee and recommended for sale,

RESOLVED, the Mayor is authorized to execute a deed transferring said property at 78 Wall Street to Lourdes Bernadette Twente for consideration in the amount of \$100.00 plus all recording fees.

COMMON COUNCIL
City of Amsterdam, NY

	Aye	Nay

Alderman Isabel		

Alderwoman Beekman		

Alderwoman DeRossi		

Alderman Dybas		

Alderman Leggiero		

ANN M. THANE, MAYOR

Dated: _____, 2012

**CITY OF AMSTERDAM, NY
COMMON COUNCIL
JUNE 5, 2012**

RESOLUTION #11/12-258

RESOLUTION AUTHORIZING TRANSFER OF VOTING MACHINES TO GREATER AMSTERDAM SCHOOL DISTRICT

BY: MAYOR THANE

WHEREAS, the city is in possession of voting machines no longer used by the Board of Election for elections within the City of Amsterdam, and

WHEREAS, the School District uses such machines for its school elections and the city wishes to make better use of the space now occupied by machines,

RESOLVED, the City of Amsterdam hereby authorizes the mayor to transfer all obsolete voting machines to the Greater Amsterdam School District for use in School elections.

COMMON COUNCIL
City of Amsterdam, NY

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

ANN M. THANE, MAYOR

Dated: _____, 2012

**CITY OF AMSTERDAM, NY
COMMON COUNCIL
JUNE 5, 2012**

RESOLUTION #11/12-259

RESOLUTION APPROVING PAYMENT OF CLAIMS

BY: ALDERMAN ISABEL AND ALDERWOMAN DEROSI

RESOLVED, that payment of the following claims is hereby approved:

Claim Number	Claimant	Amount
11-30	Mosher	\$200.00
12-4	Folensbee	

COMMON COUNCIL
City of Amsterdam, NY

	Aye	Nay

Alderman Isabel		

Alderwoman Beekman		

Alderwoman DeRossi		

Alderman Dybas		

Alderman Leggiero		

ANN M. THANE, MAYOR

Dated: _____, 2012

**CITY OF AMSTERDAM, NY
COMMON COUNCIL
JUNE 5, 2012**

RESOLUTION #11/12-260

RESOLUTION AMENDING BUDGET – WATER TREATMENT PLAN

BY: ALDERMAN LEGGIERO

WHEREAS, reimbursement has been received from Travelers Insurance for burned wiring at the East Pump Station (Motor #2) on April 23, 2012,

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

INCREASE REVENUE:

G-2680	Insurance Recoveries	\$3,447.36
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INCREASE EXPENSE:

G-8120-4021	Equipment Repair	\$3,447.36
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COMMON COUNCIL
City of Amsterdam, NY

	Aye	Nay

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

ANN M. THANE, MAYOR

Dated: _____, 2012

**CITY OF AMSTERDAM, NY
COMMON COUNCIL
JUNE 5, 2012**

RESOLUTION #11/12-261

RESOLUTION AUTHORIZING ON-LINE AUCTION SERVICES OF SURPLUS CITY EQUIPMENT

BY: MAYOR THANE

WHEREAS, bids were advertised for and received by the City Clerk and reviewed for on-line auction services of surplus City equipment,

RESOLVED, following review, _____ is hereby awarded the bid for on-line auction services.

COMMON COUNCIL
City of Amsterdam, NY

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

ANN M. THANE, MAYOR

Dated: _____, 2012

**CITY OF AMSTERDAM, NY
COMMON COUNCIL
JUNE 5, 2012**

RESOLUTION #11/12-262

RESOLUTION APPROVING CHANGE IN NAMES OF CERTAIN CITY STREETS

BY: ALDERMAN LEGGIERO

WHEREAS, the Chief of Police recommends that certain streets in the City of Amsterdam be renamed for the purpose of efficient emergency vehicle response and free flow of traffic,

RESOLVED, the following streets are hereby renamed:

Minaville Street as Minaville Street Upper and Minaville Street Lower

Racecourse Street as Racecourse Street East and Racecourse Street West

East Main Street from Market Street to Petrone Square as Main Street

(a revised version with clearer descriptions will replace this – G DeCusatis)

COMMON COUNCIL
City of Amsterdam, NY

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

ANN M. THANE, MAYOR

Dated: _____, 2012

**CITY OF AMSTERDAM, NY
COMMON COUNCIL
JUNE 5, 2012**

RESOLUTION #11/12-263

RESOLUTION TRANSFERRING FUNDS – ASSESSOR

BY: ALDERMAN LEGGIERO

WHEREAS a transfer of funds is needed to balance a line item,

RESOLVED, the Controller is authorized to transfer funds as follows:

FROM:

A-1355-4000 Contractual Exp. \$59.60 (bal. \$2,561.27)

TO:

A-1355-4005 Real Property Serv. \$59.50

COMMON COUNCIL
City of Amsterdam, NY

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

ANN M. THANE, MAYOR

Dated: _____, 2012

**CITY OF AMSTERDAM, NY
COMMON COUNCIL
JUNE 5, 2012**

RESOLUTION #11/12-264

RESOLUTION APPROVING APPLICATION FOR FUNDS - NYSOPRHP

BY: MAYOR THANE

RESOLVED, that Ann M. Thane, as Mayor of the City of Amsterdam, is hereby authorized and directed to file an application for funds from the New York State Office of Parks, Recreation and Historic Preservation in accordance with the provisions of Title 9 of the Environmental Protection Act of 1993, in an amount not to exceed \$ 40,000, and upon approval of said request to enter into and execute a project agreement with the State for such financial assistance to this City of Amsterdam for the John Sampone Park and, if appropriate, a conservation easement/preservation covenant to the deed of the assisted property.

COMMON COUNCIL
City of Amsterdam, NY

	Aye	Nay

Alderman Isabel		

Alderwoman Beekman		

Alderwoman DeRossi		

Alderman Dybas		

Alderman Leggiero		

ANN M. THANE, MAYOR

Dated: _____, 2012

**CITY OF AMSTERDAM, NY
COMMON COUNCIL
JUNE 5, 2012**

RESOLUTION #11/12-265

RESOLUTION AMENDING BUDGET TRANSPORTATION

BY: ALDERMAN DYBAS

WHEREAS, a budget amendment is needed for receipt of insurance recovery for damage to a bus,

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

INCREASE REVENUE

CT-2680	Ins. Recoveries	\$6,156.86
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INCREASE EXPENSE

CT-5630-4070	Vehicle Repairs	\$6,156.86
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COMMON COUNCIL
City of Amsterdam, NY

	Aye	Nay

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

ANN M. THANE, MAYOR

Dated: _____, 2012

**CITY OF AMSTERDAM, NY
COMMON COUNCIL
JUNE 5, 2012**

RESOLUTION #11/12-266

RESOLUTION APPROVING SETTLEMENT OF CLAIM BY CRISTO DEMOLITION

BY: ENTIRE COMMON COUNCIL

WHEREAS, Cristo Demolition contracted with the City of Amsterdam for the demolition of fire damaged properties on Brookside Avenue, and

WHEREAS, a dispute arose regarding the scope of the project and Cristo Demolition has claimed that it is entitled to an additional payment of \$176,561.50 because the building size greatly exceeded the size listed in the bid specifications, and

WHEREAS, parties had submitted this dispute to arbitration as provided in the contract and through negotiations pending said arbitration the parties have agreed to resolve this dispute,

RESOLVED, that payment of the claim of Cristo Demolition is authorized in the amount of \$135,000.00 said payment to be made first from any demolition project funds remaining, then from any judgment expense lines and finally from general fund balance if required.

COMMON COUNCIL
City of Amsterdam, NY

	Aye	Nay

Alderman Isabel		

Alderwoman Beekman		

Alderwoman DeRossi		

Alderman Dybas		

Alderman Leggiero		

ANN M. THANE, MAYOR

Dated: _____, 2012

**CITY OF AMSTERDAM, NY
COMMON COUNCIL
JUNE 5, 2012**

RESOLUTION #11/12-267

RESOLUTION TRANSFERRING FUNDS – WATER TREATMENT PLANT

BY: ALDERMAN LEGGIERO

WHEREAS, a transfer of funds is needed due to a shortfall in the telephone line,

RESOLVED, the Controller is authorized to transfer funds as follows:

FROM:

F-8320-4085	Chemicals	\$500.00
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TO:

F-8320-4025	Telephone	\$500.00
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COMMON COUNCIL
City of Amsterdam, NY

	Aye	Nay

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

ANN M. THANE, MAYOR

Dated: _____, 2012

**CITY OF AMSTERDAM, NY
COMMON COUNCIL
JUNE 5, 2012**

RESOLUTION #11/12-268

RESOLUTION AWARDING BID – SALE OF SCRAP METAL

BY: ALDERMAN LEGGIERO

WHEREAS, bids were advertised, received and opened by the City Clerk and review by the General Public Works Supervisor who recommends awarding said bid

RESOLVED, C & R Trucking, Albany, NY is hereby awarded the bid for sale of surplus scrap metal for revenue amount of \$3,200.00

COMMON COUNCIL
City of Amsterdam, NY

	Aye	Nay

Alderman Isabel		

Alderwoman Beekman		

Alderwoman DeRossi		

Alderman Dybas		

Alderman Leggiero		

ANN M. THANE, MAYOR

Dated: _____, 2012

**CITY OF AMSTERDAM, NY
COMMON COUNCIL
JUNE 5, 2012**

RESOLUTION #11/12-269

RESOLUTION APPOINTING MEMBERS TO LAND BANK BOARD

BY: MAYOR THANE

WHEREAS, the City of Amsterdam adopted Resolution #11/20-200 joining the Land Reutilization Corp of the Capital Region, and

WHEREAS, Aldermen Joseph Isabel and David Dybas were appointed and they no longer wish to serve on the Land Bank Board,

RESOLVED, City residents Robert DiCaprio and Michael Dayian are hereby appointed to the Land Bank Board in place of Aldermen Isabel and Dybas.

COMMON COUNCIL
City of Amsterdam, NY

	Aye	Nay

Alderman Isabel		

Alderwoman Beekman		

Alderwoman DeRossi		

Alderman Dybas		

Alderman Leggiero		

ANN M. THANE, MAYOR

Dated: _____, 2012

**CITY OF AMSTERDAM, NEW YORK
COMMON COUNCIL MEETING
May 15, 2012**

**LOCAL LAW #A - A LOCAL LAW REVISING CITY CHARTER ARTICLE XVI
ASSESSMENT PROCEDURE; LEVY AND COLLECTION OF TAXES**

BY: MAYOR THANE

BE IT ENACTED by the Common Council of the City of Amsterdam as follows:
The Charter of the City of Amsterdam Article XVI is hereby amended.

SECTION 1. Purpose and Legislative Intent.

The intent of these amendments is to eliminate the three percent tax cap applicable to user fees.

SECTION 2. – SUBSTANTIVE PROVISIONS.

City Charter section Article XVI – ASSESSMENT PROCEDURE; LEVY AND COLLECTION OF TAXES is amended as follows: (strike through indicates existing text to be removed, underline text indicates new text to be added)

XVI – ASSESSMENT PROCEDURE; LEVY AND COLLECTION OF TAXES

§C-89. Annual Tax Levy. [Amended by L.L. No. 3-1989, ref. date 11-7-1989; L.L. No. 3-2004, ref. date 11-2-2004]

The Common Council, at the meeting at which the annual budget is adopted, shall levy taxes on all taxable property within the City as shown in the annual assessment roll, in the amount required to be raised by tax in the annual budget and as otherwise required by this Charter or by law. Such tax shall be payable in four equal installments or as otherwise provided in this article. All taxes thus levied shall become liens on the properties against which they are levied on the first day of August following the levy of such taxes.

A. The amount to be raised by tax on real estate in any fiscal year, in addition to providing for the interest on and the principal of all indebtedness, shall not exceed 1% of the average full valuation of taxable real estate in such year; nor shall the real property tax rate, or any user fee in any fiscal year exceed by 3% the rate or fee of the previous fiscal year, exclusive of any amounts appropriated for debt service.

B. If in any fiscal year it is deemed necessary and in the interest of the municipality to increase the percentage rate by an amount greater than the limitations established above, then such increase may be approved by a four fifths majority vote of the Common Council. ~~established, the Common Council with the approval of the Mayor may submit such request for increase as a mandatory referendum to be voted on by the voters at a regular or special election. No new user fee may be established without the prior approval of the electorate pursuant to the above procedure.~~

C. The Assessor shall file with the City Clerk the average full valuation of taxable real estate in each year, the same to be filed at least one month prior to the date required for the submission of the proposed City budget.

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.

COMMON COUNCIL
City of Amsterdam, NY

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

ANN M. THANE, MAYOR

Dated: _____, 2012

**CITY OF AMSTERDAM, NEW YORK
COMMON COUNCIL MEETING
May 15, 2012**

LOCAL LAW # B - A LOCAL LAW REVISING CITY CODE CHAPTER 40 OFFICERS AND EMPLOYEES ARTICLE I, HEALTH INSURANCE

BY: MAYOR THANE

BE IT ENACTED by the Common Council of the City of Amsterdam as follows:
The City Code of the City of Amsterdam Chapter 40 Article I is hereby amended.

SECTION 1. PURPOSE AND LEGISLATIVE INTENT.

The intent of these amendments is to define health insurance benefit plans, define eligibility and set contribution rates and co-payments.

SECTION 2. – SUBSTANTIVE PROVISIONS.

City Code Chapter 40 Article I, section 4 – HEALTH INSURANCE CONTRIBUTION is amended as follows: (strike through indicates existing text to be removed, underline text indicates new text to be added)

§40-4. Contribution.

A. All eligible retirees except those severely injured on the job and who stayed on the job before receiving a disability retirement and are not covered under the terms of a negotiated contract, who do not have their contribution rates set by collective bargaining agreement, shall contribute to the cost of their health insurance as follows for the fiscal year 2011-2012 and subsequent years until changed:

- (1) Single-person coverage: 10%.
- (2) Two-person and family coverage: 10%.
- (3) Surviving spouse: 100% of the cost of continuing existing two-person or family coverage.

B. All eligible retirees will maintain Medicare Part B insurance as soon as eligible for all covered individuals. The cost of this shall be reimbursed or credited by the City in the amount previously set by resolution.

C. If the retiree fails to make the required contribution or participate in Medicare Part B, then coverage will be discontinued.

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.

COMMON COUNCIL
City of Amsterdam, NY

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

ANN M. THANE, MAYOR

Dated: _____, 2012

**CITY OF AMSTERDAM, NEW YORK
COMMON COUNCIL MEETING
May 15, 2012**

LOCAL LAW # C- A LOCAL LAW TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW §3-c

BY: MAYOR THANE

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

SECTION 1. LEGISLATIVE INTENT

It is the intent of this local law to allow the City of Amsterdam to adopt a budget for the fiscal year commencing July 1, 2012, that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law § 3-c.

SECTION 2. SUBSTANTIVE PROVISIONS

TAX LEVY LIMIT OVERRIDE

The Common Council of the City of Amsterdam is hereby authorized to adopt a budget for the fiscal year commencing July 1, 2012, that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law §3-c.

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 subdivision 5 of General Municipal Law §3-c, which authorizes the override of the property tax cap for the coming fiscal year by the adoption of a local law approved by a vote of sixty percent (60%) of the total voting power of the governing body.

SECTION 5. EFFECTIVE DATE

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

COMMON COUNCIL
City of Amsterdam, NY

	Aye	Nay

Alderman Isabel		

Alderwoman Beekman		

Alderwoman DeRossi		

Alderman Dybas		

Alderman Leggiero		

ANN M. THANE, MAYOR

Dated: _____, 2012

**CITY OF AMSTERDAM, NY
COMMON COUNCIL
JUNE 5, 2012**

ORDINANCE NO. 2012-“B” (for introduction purposes)

AN ORDINANCE AMENDING CHAPTER 73 OF THE CODE OF THE CITY OF AMSTERDAM – DOGS

BY: ALDERWOMAN DEROSI

The City of Amsterdam, in Common Council convened, does hereby ordain and enact as follows:

Chapter 73 of the code of the City of Amsterdam is hereby amended as indicated below: (Note: all underlined items are added material, all struck through items are to be deleted and all other unmodified wording is existing language that will remain in effect.)

§73-23. Impoundment.

The owner of any dog impounded by the City of Amsterdam shall be entitled to redeem the dog within five business days, excluding the day the dog is impounded, from the day the dog is impounded, provided the owner produces proof that the dog is licensed and identified and pays a fee of ~~\$10~~ \$15 for the first impoundment; a fee of ~~\$20~~ \$25 for the first 24 hours of a second impoundment and a fee of ~~\$3~~ \$15 for each additional twenty-four-hour period; a fee of ~~\$30~~ \$45 for the first 24 hours of a third and a fee of ~~\$3~~ \$20 for each additional twenty-four-hour period. Each additional violation shall increase by \$20 for the first twenty four hour period and \$25 for each additional twenty four hour period.

This Ordinance Shall Take Effect July 1, 2012.

COMMON COUNCIL
City of Amsterdam, NY

	Aye	Nay

Alderman Isabel		

Alderman Beekman		

Alderman DeRossi		

Alderman Dybas		

Alderman Leggiero		

ANN M. THANE, MAYOR

Dated: _____, 2012