

COMMON COUNCIL MEETING

MARCH 19, 2015

7:00 P.M.

ORDER OF BUSINESS

- I. Call to Order
- II. Salute to the Flag
- III. Roll Call
- IV. Adoption of Agenda
- V. Proclamations
- VI. Communications and Presentations:
- VII. Public Participation
- VIII. Controller's Report
- IX. Old Business: **Res. #14/15-176, 178, 179**
- X. New Business:
 - (a) Resolutions
 - (b) Ordinances:
 - (c) Local Laws: **2015-F**
 - (d) Introduction of Ordinances:
 - (e) Introduction of Local Laws: **2015-G**
 - (f) Committee Reports
 - (g) Scheduling of Committee Meetings
 - (h) Other
- XI. Executive Session – Collective Bargaining
- XII: Adjournment

6:00 p.m. Water & Sewer Comm. (called by Alderman Leggiero)

Following Water & Sewer Meeting: COW (called by Alderman Barone and Alderwoman Hatzenbuhler)

- 1. Discussion of Capital Project**
- 2. Discussion of any Consent Resolutions**
- 3. Any other business**

RESOLUTIONS

Old Business

- | | |
|---|---------------------|
| 176. RESOLUTION AMENDING BUDGET – LAW/EMPLOYEE RELATIONS | HATZENBUHLER |
| 177. RESOLUTION AMENDING BUDGET – GOLF | RUSSO |
| 178. RESOLUTION AMENDING BUDGET – GOLF | RUSSO |

New Business

- | | |
|---|---------------------|
| 183. RESOLUTION ADOPTING MINUTES | BEEKMAN |
| 184. RESOLUTION APPROVING AUDIT | HATZENBUHLER |
| 185. RESOLUTION AMENDING BUDGET – WASTEWATER | LEGGIERO |
| 186. RESOLUTION AMENDING BUDGET – SALT | LEGGIERO |
| 187. RESOLUTION AMENDING BUDGET – RECREATION | RUSSO |
| 188. RESOLUTION APPROVING MOA SOA | RUSSO |

Local Laws

- | | |
|---|--------------|
| 2015- F A LOCAL LAW REVISING CHARTER ARTICLE XIV –
HEALTH DEPARTMENT | MAYOR |
| 2016-G A LOCAL LAW REVISING CHARTER ARTICLE IX -PUBLIC
WORKS | RUSSO |

**CITY OF AMSTERDAM, NY
COMMON COUNCIL
MARCH 3, 2015**

RESOLUTION #14/15-176

RESOLUTION AMENDING BUDGET – LAW DEPARTMENT AND EMPLOYEE RELATIONS

BY: ALDERWOMAN HATZENBUHLER

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

RESOLVED, a stipend in the amount of \$5,000 will be paid to the Director of Employee Relations in five monthly installments in the amount of \$1,000 on the first of the month commencing February 1, 2015 and continuing through June 2015, and

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

DECREASE EXPENSE:

A.1420.1000	Personnel Services Law Dept.	\$1,250.00
F.8310.1000.07	“	\$1,250.00
G.8130.1020.07	“	\$1,250.00
CL.8160.1021.07	“	\$1,250.00

INCREASE EXPENSE:

A.1435.4000.0001	Stipend	\$1,250.00
F.8310.4000.70	Contractual	\$1,250.00
G.8110.4137.70	Contractual	\$1,250.00
CL.8160.4137.70	Contractual	\$1,250.00

MOTION TO TABLE by Alderman Barone, passed with Aye. (3/3/15)

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
MARCH 3, 2015**

RESOLUTION #14/15-178

RESOLUTION AMENDING BUDGET - GOLF

BY: ALDERMAN RUSSO

RESOLVED, the Controller is authorized to amend the 2014-2015 budget for additional monies for marketing of golf course until July 1, 2015,

DECREASE EXPENSE:

Cr-7180-4132	Consultant	\$1,000
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INCREASE EXPENSE:

CR-7180-4189	Marketing	\$1,000
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MOTION TO TABLE by Alderman Barone passed with Aye. (3/3/15)

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
MARCH 3, 2015**

RESOLUTION #14/15-179

RESOLUTION AMENDING BUDGET - GOLF

BY: ALDERMAN RUSSO

RESOLVED, the Controller is authorized to amend the 2014-2015 budget for receipt of insurance settlement in the amount of \$5,000 for installation of new awing over the patio outside the restaurant (balance of \$2,100 to be received following completion of installation of awning), as follows:

INCREASE REVENUE:

CR-2680	Ins. Recovery	\$5,000
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INCREASE EXPENSE:

CR-7180-4000	Contractual	\$5,000
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MOTION TO TABLE by Alderman Barone passed with Aye. (3/3/15)

COMMON COUNCIL
City of Amsterdam, NY

	Aye	Nay

Alderman Russo		

Alderwoman Beekman		

Alderman Barone		

Alderwoman Hatzenbuhler		

Alderman Leggiero		

ANN M. THANE, MAYOR

DATED: _____, 2015

**CITY OF AMSTERDAM, NY
COMMON COUNCIL
MARCH 19, 2015**

RESOLUTION #14/15-183

RESOLUTION ADOPTING MINUTES OF THE LAST COMMON COUNCIL MEETING

BY: ALDERWOMAN BEEKMAN

RESOLVED, that the minutes of the Common Council meeting March 3, 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
MARCH 19, 2015**

RESOLUTION #14/15-184

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
MARCH 19, 2015**

RESOLUTION #14/15-184

RESOLUTION AMENDING BUDGET – WASTEWATER TREATMENT PLANT

BY: ALDERMAN LEGGIERO

RESOLVED, the Controller is authorized to amend the 2014-2015 budget for purchase of safety equipment for plant staff as follows:

DECREASE EXPENSE:

G-8110-4036	Contingency	\$5,000 (bal. \$)
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INCREASE EXPENSE:

G-8120-4135	Safety Equipment	\$5,000
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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, NY
COMMON COUNCIL
MARCH 19, 2015**

RESOLUTION #14/15-185

RESOLUTION AMENDING BUDGET – SALT

BY: ALDERMAN LEGGIERO

RESOLVED, the Controller is authorized to amend the 2014-2015 budget for purchase of salt as follows:

DECREASE EXPENSE:

A-22-5110-2011	Used Vehicle	\$1,050 (bal. \$1,402.00)
A-22-5110-4021	Equip. Repair	\$1700 (bal. \$4,725.00)
A-24-5142-4139	Diesel	\$3,000 (bal. \$3,000.00)

INCREASE EXPENSE:

A-24-5142-4080	Salt	\$5,750.00
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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, NY
COMMON COUNCIL
MARCH 19, 2015**

RESOLUTION #14/15-186

RESOLUTION AMENDING BUDGET – RECREATION

BY: ALDERMAN RUSSO

RESOLVED, the Controller is authorized to amend the 2014-2015 budget for insurance recovery monies to be used for repairs improvements at but not limited to, girls softball field, Shuttleworth baseball field, bocce courts, veterans park, maintenance garage, 911 memorial, Barley school basketball courts, Kubota mower deck, as follows:

INCREASE REVENUE:

A-2680	Ins. Recovery	\$44,638.55
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INCREASE EXPENSE:

A-7020-4000	Contractual	\$44,638.55
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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, NY
COMMON COUNCIL
MARCH 19, 2015**

RESOLUTION #14/15-187

**RESOLUTION APPROVING MEMORANDUM OF AGREEMENT WITH THE
AMSTERDAM POLICE SUPERIOR OFFICERS ASSOCIATION**

BY: ALDERMAN RUSSO

WHEREAS, the City of Amsterdam and the Amsterdam Police Superior Officers Association have engaged in collective bargaining and have executed a memorandum of agreement, and

WHEREAS, the memorandum of agreement has been approved by the membership of the Amsterdam Police Superior Officers Association,

RESOLVED, that the memorandum of agreement is hereby approved and that the Mayor is authorized to execute a collective bargaining agreement containing the provisions of the memorandum of agreement.

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
MARCH 3, 2015**

LOCAL LAW # F - A LOCAL LAW REVISING CHARTER ARTICLE XIV HEALTH DEPARTMENT (for introduction)

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 XIV Health Department is hereby amended.

SECTION 1. PURPOSE AND LEGISLATIVE INTENT.

The intent of these amendments is to revise the structure of the Department of Health to make titles match the Public Health Law and to separate the position of registrar of vital statistics from the head of the Health Department.

SECTION 2. – SUBSTANTIVE PROVISIONS.

City Charter Article XIV Health Department is amended as follows: (strike through indicates existing text to be deleted, underline text indicates new text to be added)

Article XIV. Health Department Department of Public Health

§C-80. ~~Health Department~~ Department of Public Health.

There shall be a ~~Health Department~~ Department of Public Health, the head of which shall be the ~~Commissioner of Health~~ Health Officer. ~~He~~ The Health Officer shall be a physician licensed to practice medicine in the State of New York. ~~Commissioner of Health~~ The Health Officer may be a full-time or part-time officer of the City. This Department is created pursuant to the authority granted in Public Health Law §330.

§C-81. Health Officer ~~Commissioner of Health.~~

The Health Officer ~~Commissioner of Health~~ shall be appointed by the Mayor with the approval of the Common Council for a term of four years and shall serve conterminously with the appointing Mayor. Under the direction and supervision of the Mayor, ~~he~~ the Health Officer shall serve as the Chief Health Officer of the City.

§C-82. ~~Power~~ Powers and duties of the Health Officer ~~Commissioner of Health.~~

The Health Officer ~~Commissioner of Health~~ shall:

- A. Be responsible for and shall supervise all public health activities of the City. ~~He~~ The Health Officer shall be responsible for and perform all duties prescribed by any state law or City law or ordinance relating to public health.
- B. ~~Keep and maintain all vital statistics of the City and prepare, attest and report on such vital statistics.~~ Have general supervision of the Registrar of Vital Statistics. The Registrar of Vital Statistics shall be appointed by the Mayor with approval of the Common Council.

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 and the Public Health 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

	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 See note at end of LL
MARCH 19, 2015

LOCAL LAW # G - A LOCAL LAW REVISING CHARTER ARTICLE IX – PUBLIC WORKS DEPARTMENT

INTRODUCED BY: ALDERMAN RUSSO

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

The Charter of the City of Amsterdam Article IX Public Works Department is hereby amended.

SECTION 1. PURPOSE AND LEGISLATIVE INTENT.

The intent of these amendments is to revise the structure of the Department of Public Works to improve supervision and productivity.

SECTION 2. – SUBSTANTIVE PROVISIONS.

City Charter Article IX - Public Works Department is amended as follows: (strike through indicates existing text to be deleted, underline text indicates new text to be added)

Article IX. Public Works Department

§ C-53. Public Works Department.

There shall be a Public Works Department which shall be headed by the Director of Public Works, ~~who shall also be the City Engineer~~. The Department shall consist of an Engineering Department headed by the City Engineer, such departments or divisions specified in this charter, and such divisions as the Common Council may authorize.

§ C-54. Director of Public Works and City Engineer.

The Director of Public Works shall be appointed by the Mayor with the approval of the Common Council ~~from the competitive class of the civil service~~. ~~He~~ The City Engineer shall be a professional engineer licensed by the State of New York appointed by the Mayor.

§ C-55. (Reserved) [1]:Editor's Note: Former § C-55, Building Inspector, as amended, was repealed 7-5-2006 by L.L. No. 7-2006.

§ C-56. Powers, duties and responsibilities of the Director of Public Works and the City Engineer.

A The powers, duties and responsibilities of the Director of Public Works shall include:

1. Responsibility for the supervision and direction of all of the activities of the Department including direction of the City Engineer.

2. Responsibility for the construction, maintenance, cleaning and repair of streets, sidewalks, sewers, public parking lots, retaining walls, public buildings, facilities and structures, except as may otherwise be provided by law, and for the collection and disposal of solid wastes and other refuse from residential structures and such other places as the Common Council may determine. In administering the streets and sewerage facilities of the City, the Director of Public Works shall assure that private developers have satisfactorily discharged their responsibilities for construction of streets and sewer lines through subdivisions.

3. House numbering, street lighting and, at the direction of the Chief of Police, installation, maintenance and removal of the traffic control devices, signs and markings.

4. Planting, care and removal of trees and shrubs located on City property that are not located in parks or the municipal golf course.

5. Provision, as the Common Council may provide, for the maintenance and repair of all City vehicles and equipment, other than office equipment, including the maintenance of suitable and accurate use and repair records for all such vehicles and equipment.

6. Subject to civil service law, rules and regulations, the Director of Public Works shall appoint assistants and other employees of the Department to fill such positions within the Department as are authorized by the Common Council. The Director of Public Works may also suspend and remove all assistants and other employees of the Department subject to civil service law, rules and regulations.

7. In addition to the duties assigned to the Director of Public Works by this Charter or required by ordinance or resolution of the Common Council, the Director shall perform any similar or related duties incident to the functions of the Department as may be assigned by the Mayor.

8. The Director of Public Works shall attend meetings of the Common Council.

B The powers, duties and responsibilities of the City Engineer shall include:

1. Responsibility for the supervision and direction of all of the activities of the Engineering Department.

2. Responsibility for the supervision and direction of all of the activities of the Water and Sanitary Sewers Department.

3. In the absence of a Code Enforcement Supervisor to exercise the powers and be responsible for the duties of that position.

4. In the absence of the Director of Public Works the City Engineer shall:

a) Supervise the Department of Public Works General Foreman.

b) Have authority to suspend and remove all assistants and other employees of the Department subject to civil service law, rules and regulations, subject to approval by the Mayor.

c) Exercise such other authority of the Director of Public Works as authorized by the Mayor.

5. Responsibility for the supervision of consulting engineers when retained by the Common Council for specific purposes.

6. Have custody of all City maps and surveys, except as otherwise provided in this Charter or other law.

7. Recommend to the Mayor and the Common Council the adoption of such standard technical codes as he believes to be needed for the safety and well-being of the City's residents.

8. Certification of all public work performed pursuant to contract under supervision and control of the Department before it is accepted, to the effect that such work is performed in a good and substantial manner, with the materials required and of the quality and in the manner directed by the terms of the contract. The City Engineer shall file such certificate of completion with the City Clerk and Controller before final payment is made under the contract.

9. In addition to the duties assigned to the City Engineer by this Charter or required by ordinance or resolution of the Common Council, the City Engineer shall perform any similar or related duties incident to the functions of the Department as may be assigned by the Mayor.

10. The City Engineer shall attend meetings of the Common Council.

~~The powers, duties and responsibilities of the Director of Public Works shall include:~~

~~A. Performance of all duties now or hereafter assigned to the City Engineer.~~

~~B. Responsibility for the supervision and direction of all of the activities of the Department and for all engineering work of the City.~~

~~C. Responsibility for the construction, maintenance, cleaning and repair of streets, sidewalks, sewers, public parking lots, retaining walls, public buildings, facilities and structures, except as may otherwise be provided by law, and for the collection and disposal of solid wastes and other refuse from residential structures and such other places as the Common Council may determine. In administering the streets and sewerage facilities of the City, the Director of Public Works shall assure that private developers have satisfactorily discharged their responsibilities for construction of streets and sewer lines through subdivisions.~~

~~D. Responsibility for the supervision of consulting engineers when retained by the Common Council for specific purposes.~~

- ~~E. Supervision and administration on behalf of the City of all contracts for public construction or public services.~~
- ~~F. House numbering, street lighting and, at the direction of the Chief of Police, installation, maintenance and removal of the traffic control devices, signs and markings.~~
- ~~G. Planting, care and removal of trees and shrubs located on City property.~~
- ~~H. Provision, as the Common Council may provide, for the maintenance and repair of all City vehicles and equipment, other than office equipment, including the maintenance of suitable and accurate use and repair records for all such vehicles and equipment.~~
- ~~I. Have custody of all City maps and surveys, except as otherwise provided in this Charter or other law.~~
- ~~J. Recommend to the Mayor and the Common Council the adoption of such standard technical codes as he believes to be needed for the safety and well being of the City's residents.~~
- ~~K. Certification of all public work performed pursuant to contract under supervision and control of the Department before it is accepted, to the effect that such work is performed in a good and substantial manner, with the materials required and of the quality and in the manner directed by the terms of the contract. The Director of Public Works shall file such certificate of completion with the City Clerk and Controller before final payment is made under the contract.~~
- ~~L. Subject to civil service law, rules and regulations, the Director of Public Works shall appoint assistants and other employees of the Department to fill such positions within the Department as are authorized by the Common Council. The Director of Public Works may also suspend and remove all assistants and other employees of the Department subject to civil service law, rules and regulations.~~
- ~~M. In addition to the duties assigned to the Director of Public Works by this Charter or required by ordinance or resolution of the Common Council, the Director shall perform any similar or related duties incident to the functions of the Department as may be assigned by the Mayor.~~
- ~~N. The Director of Public Works shall attend meetings of the Common Council.~~

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 is effective when filed with the Secretary of State.

COMMON COUNCIL
City of Amsterdam, NY

	Aye	Nay
Alderman Russo		
Alderman Beekman		
Alderman Barone		
Alderman Hatzembuhler		
Alderman Leggiero		

ANN M. THANE, MAYOR

DATED: _____, 2015

Ed Russo will sponsor as I explained the referendum portion of taking out the Director of Public Works also spoke with Rich L and I believe he understands.