

**III CITY OF AMSTERDAM, NEW YORK
COMMON COUNCIL MEETING
MAY 15, 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
Robert Reidy – Employee Relations
- VII. Public Participation
- VIII. Controller’s Report
- IX. Old Business: Tabled Resolution #11/12-243
- 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

7:20 P.M. ph Ordinance 2012-4

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

- | | |
|--|-----------------|
| 245. RESOLUTION ADOPTING MINUTES | DEROSS |
| 246. RESOLUTION APPROVING AUDIT | LEGGIERO |
| 247. RESOLUTION AUTHORIZING BIDS – PICKUPS | LEGGIERO |
| 248. RESOLUTION AUTHORIZING CHANGE ORDER – KULBRICKY | LEGGIERO |
| 249. RESOLUTION SETTING AUCTION RESERVE – BUS | DYBAS |
| 250. RESOLUTION AUTHORIZING SPECS AND BIDS – DUMP TRUCK | LEGGIERO |
| 251. RESOLUTION APPROVING GOLF RATES | DEROSS |
| 252. RESOLUTION TRANSFERRING FUNDS – WATER | LEGGIERO |
| 253. RESOLUTION ACCEPTING BAND SHELL | ISABEL |

**CITY OF AMSTERDAM, NY
COMMON COUNCIL
MAY 1, 2012**

RESOLUTION #11/12-243

RESOLUTION AUTHORIZING A CONTRACT WITH ELAN PLANNING, DESIGN, AND LANDSCAPE ARCHITECTURE PLLC, FOR PROFESSIONAL SERVICES RELATED TO THE WATERFRONT HERITAGE AREA BROWNFIELD OPPORTUNITY AREA

BY: MAYOR THANE

WHEREAS, resolution 09/10-53 authorized the application for grant funding related to Brownfield opportunity areas, and

WHEREAS, grant funding was received by the City of Amsterdam in the amount of \$87,982 from the Department of State, and

WHEREAS, the City of Amsterdam agreed to a 10% matching contribution to the grant funding, and

WHEREAS, the City of Amsterdam requested proposals for professional services and received responses from two firms and the proposal from Elan Planning, Design and Landscape Architecture PLLC was determined to be the most qualified proposal,

RESOLVED, that the Mayor is authorized to execute a contract with Elan Planning, Design and Landscape Architecture PLLC in the amount of \$89,955.00 for professional services consistent with the submitted proposal.

MOTION TO TABLE by Alderman Dybas. Alderman Isabel was absent. (5/1/12)

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
MAY 15, 2012**

RESOLUTION #11/12-245

RESOLUTION ADOPTING MINUTES OF THE COMMON COUNCIL MEETING

BY: ALDERWOMAN DEROSI

RESOLVED, that the minutes of the Common Council meeting of May 1, 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

Dated: _____, 2012

**CITY OF AMSTERDAM, NY
COMMON COUNCIL
MAY 15, 2012**

RESOLUTION #11/12-246

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
MAY 15, 2012**

RESOLUTION #11/12-247

RESOLUTION AUTHORIZING BIDS FOR PICKUPS – ENGINEERING

BY: ALDERMAN LEGGIERO

WHEREAS, the Engineering Department is in need of four (4) extended cab midsize pickups with standard equipment, 4 wheel drive, automatic transmission and cap for the pickup bed,

RESOLVED, the Engineer is hereby authorized to advertise for bids for said vehicles.

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
MAY 15, 2012**

RESOLUTION #11/12-248

RESOLUTION AUTHORIZING CHANGE ORDER – THOMAS KULBRICKY CO.

BY: ALDERMAN LEGGIERO

WHEREAS, a change order is needed for Tom Kulbricky Co. to provide milling, paving, curbing and sidewalk replacement on Mechanic Street, Charles Street, Fairview Place and Henry Street as related to the Market Hill Water System Improvement Project,

RESOLVED, Change Order in the amount of \$164,964.75 (funding provided through CHIPS program), is hereby approved for Tom Kulbricky Co.

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
MAY 15, 2012**

RESOLUTION #11/12-249

RESOLUTION AUCTION RESERVE - BUS

BY: ALDERMAN DYBAS

WHEREAS, a reserve price must be set for bus #120, MCI Coach, to satisfy Federal, State and Local value buyouts in order to be listed in the City's on-line auction,

RESOLVED, the reserved price of \$93,743 is hereby set for bus # 120.

COMMON COUNCIL
City of Amsterdam, NY

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

ANN M. THANE, MAYOR

Dated: _____, 2012

<u>City of Amsterdam</u>		
MCI Value Assessment: Straight Line depreciation		
Purchase Price (12 Year Useful Life)	\$374,970	
Federal Value	\$299,976	
10% State & Local Match	\$37,497	
Local Match by Year	\$3,125	
	Month	Year
Purchase Year	April	2003
Disposal Year	May	2012
Total Years		9
Useful Life Years Left		3
Remaining Federal Value		\$74,994
Remaining State Value		\$9,374
Remaining Local Value		\$9,374
Buyout Value		\$93,743
Transfer within 5311 Program Value		\$9,374

**CITY OF AMSTERDAM, NY
COMMON COUNCIL
MAY 15, 2012**

RESOLUTION #11/12-250

RESOLUTION AUTHORIZING SPECS AND BIDS – DUMP TRUCK

BY: ALDERMAN LEGGIERO

RESOLVED, the Engineer is authorized to prepare specs and the City Clerk is authorized to advertise for bids for a new 2012 single axle dump truck for DPW (funding through H-51010-2017)

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
MAY 15, 2012**

RESOLUTION #/10/11-251

RESOLUTION APPROVING GOLF MEMBERSHIP RATES

BY: ALDERWOMAN DEROSSI

WHEREAS, the Golf Commission recommends membership rates for 2012,

RESOLVED, the Common Council hereby approves the membership rates as follows:

Membership Rates:	
Regular	\$700.00
Senior	\$675.00
Family	\$1,160.00
Senior Family	\$1,110.00
Junior	\$150.00* (limited to age 18)
Young Adult	\$350.00** (ages 19-25)
Tournaments	\$1,700.00
Greens Fees	\$25.00 (Mon-Thur before 3 pm)
Greens Fees	\$28.00 (Fr-Sun before 3 pm)
Greens Fees	\$17.00 (After 3 pm)
Cart Fees	\$335.00 (per year – Gas)
Cart Fees	\$365.00 (per year Electric)
Locker Rental	\$30.00

FURTHER RESOLVED, due to empty cart space, spaces will be rented to non-annual fee payers with an added surcharge of \$100 while spaces are available:

Cart Fees	\$435.00 (per year Gas)
Cart Fees	\$465.00 (per year Electric)

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
MAY 15, 2012**

RESOLUTION #/10/11-252

RESOLUTION TRANSFERRING FUNDS – WATER

BY: ALDERMAN LEGGIERO

WHEREAS, a transfer of funds is needed as a result of position change from Water Meter Department to Water Treatment Plant,

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

FROM:

F-8341-1000	Personnel Services	\$30,286.26 (bal \$-0-)
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TO:

F-8330-1022	Management	\$30,286.26
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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
MAY 15, 2012**

RESOLUTION #11/12-253

RESOLUTION AUTHORIZING MAYOR TO ACCEPT TRANSFER OF THE RIVERLINK PARK BAND SHELL

BY: ALDERMAN ISABEL

WHEREAS, the Amsterdam Waterfront Foundation constructed a band shell at Riverlink Park, and

WHEREAS, the Amsterdam Waterfront Foundation desires to transfer ownership of the band shell to the City of Amsterdam,

RESOLVED, that the Mayor is authorized to accept the transfer of the band shell to the City of Amsterdam.

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
MAY 1, 2012**

ORDINANCE NO. 2012-4

AN ORDINANCE AMENDING CHAPTER §228-50 SCHEDULE XVI: PARKING PROHIBITED CERTAIN HOURS” OF THE CODE OF THE CITY OF AMSTERDAM

BY: ALDERMAN LEGGIERO

WHEREAS, Bridge Street now has ample available off street public and private parking, and

WHEREAS, Bridge Street is too narrow to accommodate on street parking, and

WHEREAS, the Chief of Police requests that parking on Bridge Street be prohibited at all times,

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

ORDAIN AND ENACT as follows:

Chapter §228-50 Schedule XVI “Parking Prohibited Certain Hours” of the code of the City of Amsterdam is hereby amended as indicated below: (items struck through are to be deleted)

Amended:

<u>Name of Street</u>	<u>Side</u>	<u>Hours/Days</u>	<u>Location</u>
Bridge Street	East	7:00 a.m. to 5:00 P.m. Monday to Saturday	From River Bridge to River Street except for the one hour Parking
Bridge Street	West	All December 1 to May 1 of each year	From the railroad bridge to the Mohawk River Bridge
Bridge Street	West	7:00 a.m. to 5:00 P.m. Monday to Saturday	From River Bridge to Erie Street except for the one hour parking

Chapter §228-47 Schedule XIII “Parking Prohibited at All Times” of the code of the City of Amsterdam is hereby amended as indicated below: (items underlined are hereby added)

Amended:

<u>Name of Street</u>	<u>Side</u>	<u>Location</u>
<u>Bridge Street</u>	<u>Both</u>	<u>Entire Length</u>
Bridge Street	Both	From Erie Street to Center Street
Bridge Street	East	Entire length except from Mohawk River Bridge to River Street
Bridge Street	East	From Florida Avenue to River Street

~~Bridge Street West Entire length except from East Main Street to River Street~~
~~Bridge Street West From Florida Avenue to Center Street~~

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

COMMON COUNCIL
City of Amsterdam, NY

	Aye	Nay
<u>Alderman Isabel</u>		
<u>Alderwoman Beekman</u>		
<u>Alderwoman DeRossi</u>		
<u>Alderman Dybas</u>		
<u>Alderman Leggiero</u>		

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(For Introductory Purposes)

INTRODUCED 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

	<u>Aye</u>	<u>Nay</u>
<u>Alderman Isabel</u>		
<u>Alderwoman Beekman</u>		
<u>Alderwoman DeRossi</u>		
<u>Alderman Dybas</u>		
<u>Alderman Leggiero</u>		

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 (For Introductory Purposes)
INTRODUCED 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		

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 # C- A LOCAL LAW TO OVERRIDE THE TAX LEVY LIMIT
ESTABLISHED IN GENERAL MUNICIPAL LAW §3-c (For Introductory Purposes)**

INTRODUCED 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