

**COMMON COUNCIL MEETING**

**MAY 5, 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 . 213**
- 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
- XII: Adjournment

**5:45 P.M. Insurance Committee (Called by Chairman Barone)**

**6:45 P.M. COW to discuss any consent resolutions for tonight (Barone/Russo)**

## RESOLUTIONS

### *Old Business*

213. **RESOLUTION AUTHORIZING CONTRACTING FOR ARCHIVAL FILING SYSTEM – PERSONNEL** **MAYOR**

### *New Business*

217. **RESOLUTION ADOPTING MINUTES** **BEEKMAN**
218. **RESOLUTION APPROVING AUDIT** **HATZENBUHLER**
219. **RESOLUTION AMENDING BUDGET – ENGINEERING** **LEGGIERO**
220. **RESOLUTION AMENDING BUDGET – BOND/NOTE EXP.** **HATZENBUHLER**
221. **RESOLUTION REGARDING SCHOOL RESOURCE OFF.** **RUSSO**
222. **RESOLUTION ADOPTING CITIZEN PARTICIPATION PLAN - DISASTER RECOVERY PROGRAM** **FULL COUNCIL**
223. **RESOLUTION ADOPTING POLICY AND PROCEDURES FOR PROCUREMENT OF GOODS AND SERVICES FOR IMPLEMENTATION OF PROJECTS – STORM RECOVERY** **FULL COUNCIL**
224. **RESOLUTION AUTHORIZING CONTRACT – SPCA** **MAYOR**

**CITY OF AMSTERDAM, NY  
COMMON COUNCIL  
APRIL 21, 2015**

**RESOLUTION #14/15-213**

**RESOLUTION AUTHORIZING FUNDING FOR CONTRACTING OF ARCHIVAL FILING SYSTEM – PERSONNEL**

**BY: MAYOR THANE**

**RESOLVED**, the Controller is authorized to transfer funds for funding for compiling archival filing system (equipment and material have been purchased) for Personnel department as follows,

**DECREASE EXPENSE:**

A-1420-1000	Personnel	\$1,680
F-8310-1000.07	Personnel	\$ 600
G-8310-1020.07	Personnel	\$ 510
CL-8160-1021.07	Personnel	\$ 210

**INCREASE EXPENSE:**

A-1435-4000	Contractual	\$1,680
F-8310-4000.70	Contractual	\$ 600
G-8110-4137.70	Contractual	\$ 510
CL-8160-4137.70	Contractual	\$ 210

**MOTION TO TABLE** by Alderman Barone passed. Alderwoman Beekman voted nay. (4/21/15)

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  
MAY 5, 2015**

**RESOLUTION #14/15-217**

**RESOLUTION ADOPTING MINUTES OF THE LAST COMMON COUNCIL MEETING**

**BY: ALDERWOMAN BEEKMAN**

**RESOLVED**, that the minutes of the Common Council meeting of April 21, 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  
MAY 5, 2015**

**RESOLUTION #14/15-218**

**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		
Alderman Beekman		
Alderman Barone		
Alderman Hatzenbuhler		
Alderman Leggiero		

\_\_\_\_\_  
ANN M. THANE, MAYOR

DATED: \_\_\_\_\_, 2015

**CITY OF AMSTERDAM, NY  
COMMON COUNCIL  
MAY 5, 2015**

**RESOLUTION #14/15-219**

**RESOLUTION AMENDING BUDGET – ENGINEERING**

**BY: ALDERMAN LEGGIERO**

**RESOLVED**, the Controller is authorized to amend the 2014-2015 budget for reimbursement from National Grid for repair of trenches as follows:

**INCREASE REVENUE**

A-2680.21	Ins. Recovery	\$599.99
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**INCREASE EXPENSE:**

A-22-510-1001	Overtime	\$406.54
A-22-5110-2012	Equip/Supplies	\$ 97.60
A-22-5110-4074	Blacktop	\$ 95.25
A-22-5110-4078	Radio Repairs	\$ .60

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  
MAY 5, 2015**

**RESOLUTION #14/15-220**

**RESOLUTION AMENDING BUDGET – BOND AND NOTE EXPENSES**

**BY: ALDERWOMAN HATZENBUHLER**

**RESOLVED**, the Controller is authorized to amend the 2014-2015 for shortfall in Bond and Note expenses as follows:

**DECREASE EXPENSE:**

A-1230	Controller’s Fees	\$8,500
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**INCREASE EXPENSE:**

A-1989-4035	Bond & Note Exp.	\$8,500
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COMMON COUNCIL  
City of Amsterdam, NY

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

\_\_\_\_\_  
ANN M. THANE, MAYOR

DATED: \_\_\_\_\_, 2015

**CITY OF AMSTERDAM, NY  
COMMON COUNCIL  
MAY 5, 2015**

**RESOLUTION #14/15-221**

**RESOLUTION REGARDING SCHOOL RESOURCE OFFICER**

**BY: ALDERMAN RUSSO**

**WHEREAS**, the Greater Amsterdam School District wishes to contract with the City of Amsterdam for a part-time School Resource Officer at the Middle School for the remainder of the current school year,

**RESOLVED**, the Controller is authorized to amend the 2014-2015 budget for said contract as follows:

**INCREASE REVENUE:**

A-2210	General Services	\$10,300
	Other Gov.	

**INCREASE EXPENSE:**

A-3120-1000	Personnel	\$10,300
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**FURTHER RESOLVED**, the Mayor is authorized to sign an agreement with the Greater Amsterdam School District of a part time School Resource Officer at the Middle School for the remainder of the school year.

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  
MAY 5, 2015**

**RESOLUTION #14/15-222**

**BY: FULL COUNCIL**

**RESOLUTION TO ADOPT A CITIZEN PARTICIPATION PLAN AS REQUIRED UNDER THE NEW YORK STATE COMMUNITY DEVELOPMENT BLOCK GRANT-DISASTER RECOVERY (CDBG-DR) PROGRAM.**

**WHEREAS**, the City of Amsterdam is a subrecipient receiving New York State Community Development Block Grant-Disaster Recovery (CDBG-DR) funds, as administered by the Housing Trust Fund Corporation, Governor’s Office of Storm Recovery (GOSR) to assist in addressing unmet needs from either Hurricane Irene, Tropical Storm Lee, or Superstorm Sandy; and,

**WHEREAS**, participation in the New York State Community Development Block Grant-Disaster Recovery (CDBG-DR) Program requires the adoption and implementation of a Citizen Participation Plan to comply with Section 508 of the Housing and Community Development Act of 1974, as amended; and,

**WHEREAS**, the purpose of this plan is to provide for and encourage citizen participation, with particular emphasis on participation by persons of low and moderate income who are residents of slum and blighted areas and of areas in which funds are proposed to be used,

**RESOLVED** by the City of Amsterdam City Council that the attached New York State Community Development Block Grant-Disaster Recovery (CDBG-DR) Citizen Participation Plan be hereby officially adopted for implementation in the City of Amsterdam’s New York State CDBG-DR Program.

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  
MAY 5, 2015**

**RESOLUTION #14/15-223**

**RESOLUTION ADOPTING THE FOLLOWING PROCEDURES AND POLICIES FOR THE CITY OF AMSTERDAM FOR THE PROCUREMENT OF GOODS AND SERVICES NECESSARY FOR THE IMPLEMENTATION OF PROJECTS FUNDED BY THE GOVERNOR'S OFFICE OF STORM RECOVERY OF THE NEW YORK STATE HOUSING TRUST FUND CORPORATION**

**BY: FULL COUNCIL**

**WHEREAS**, in the aftermath of Superstorm Sandy, the United States Congress, through Public Law passed the Disaster Relief Appropriations Act of 2013 (Public Law 113-2, approved January 29, 2013), as amended (the "Act"), appropriating \$16 billion, later reduced to \$15.18 billion, to the U.S. Department of Housing and Urban Development ("HUD") for Community Development Block Grant Disaster Recovery ("CDBG-DR") funds for necessary expenses related to disaster relief, long-term recovery, restoration of infrastructure, and housing and economic revitalization in the most impacted and distressed areas resulting from a major disaster declared due to Superstorm Sandy and other eligible events, including Hurricane Irene and Tropical Storm Lee, in calendar years 2011, 2012, and 2013 (the "Storms"), subject to the Federal statutes and regulations governing CDBG grants, as modified by exceptions and waivers previously granted and which may hereafter be granted by HUD; and,

**WHEREAS**, pursuant to the CDBG-DR Grant Program and Federal Register Notice (78 Fed. Reg. 14,329), published March 5, 2013, titled, "*Allocations, Common Applications, and Alternative Requirements for Grantees Receiving Community Development Block Grant (CDBG) Disaster Recovery Funds in Response to Hurricane Sandy* (as amended)," the State has received an allocation of CDBG-DR funds from HUD in the amount of \$1,713,960,000; and

**WHEREAS**, pursuant to the CDBG-DR Grant Program and Federal Register Notice (78 Fed. Reg. 69,104), entitled *Second Allocation, Waivers, and Alternative Requirements for Grantees Receiving Community Development Block Grant (CDBG) Disaster Recovery Funds in Response to Hurricane Sandy* (as amended)," the State has received a second allocation of CDBG-DR funds from HUD in the amount of \$2,097,000,000; and

**WHEREAS**, pursuant to the CDBG-DR Grant Program and Federal Register Notice (79 Fed. Reg. 62,183), entitled *Third Allocation, Waivers, and Alternative Requirements for Grantees Receiving Community Development Block Grant (CDBG) Disaster Recovery Funds in Response to Hurricane Sandy* (as amended)," the State has received a third allocation of CDBG-DR funds from HUD in the amount of \$605,922,000 (of which \$185,000,000 has been allocated towards the proposals developed through the Rebuild by Design competition); and

**WHEREAS**, the City of Amsterdam has entered into a subrecipient agreement with the Governor's Office of Storm Recovery of the New York State Housing Trust Fund Corporation.

**RESOLVED** by the City of Amsterdam City Council, on behalf of the City of Amsterdam that the City of Amsterdam shall follow these policies and procedures in the procurement of goods and services necessary for the implementation of projects funded by the Governor's Office of Storm Recovery of the New York State Housing Trust Fund Corporation:

**PROCUREMENT PROCEDURES**

The City of Amsterdam will comply with the procurement standards required under 24 CFR 85.36 for all procurement activities utilizing CDBG-DR funds granted by the Governor’s Office of Storm Recovery of the New York State Housing Trust Fund Corporation.

**AVOIDING PROCUREMENT OF UNNECESSARY OR DUPLICATIVE ITEMS OR SERVICES**

The director or supervisor of each department or agency of the City of Amsterdam responsible for procurement of services, supplies, equipment, or construction obtained with Federal, State or Local funds shall review all proposed procurement actions to avoid the purchase of unnecessary or duplicative items. Such reviews shall consider consolidation or breaking out to obtain a more economical purchase. When determined appropriate by the director or supervisor, an analysis should be made of lease versus purchase alternatives and any other analysis to determine the most economical approach.

**PROCUREMENT AND CONTRACT PROTEST PROCEDURES**

Any actual or prospective contractor may protest the solicitation or award of a contract for serious violations of the principles of this Statement. Any protest against solicitations must be received before the due date for receipt of bids or proposals, and any protest against the award of a contract must be received within ten calendar days after contract award, or the protest will not be considered. All bid protests shall be in writing, submitted to Purchasing Agent or City Engineer. The Purchasing Agent or City Engineer may, at his/her discretion, suspend the procurement pending resolution of the protest, if warranted by the facts presented.

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  
MAY 5, 2015**

**RESOLUTION #14/15-224**

**RESOLUTION AUTHORIZING CONTRACT – SPCA**

**BY: MAYOR THANE**

**RESOLVED**, the Mayor is authorized to sign the attached Dog Shelter Agreement with the Montgomery County SPCA effective July 1 2015 through June 30, 3017 in the amount of \$16,000 per year.

COMMON COUNCIL  
City of Amsterdam, NY

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

\_\_\_\_\_  
ANN M. THANE, MAYOR

DATED: \_\_\_\_\_, 2015

Montgomery County Society for the Prevention of Cruelty to Animals and  
The City of Amsterdam  
**Dog Shelter Service Agreement**  
**July 1, 2015 to June 30, 2017**

**THIS AGREEMENT** is made pursuant to the provisions of Article 7, Section 115 of the Agriculture and Markets Law for the State of New York, by and between the **City of Amsterdam**, a municipal corporation in the State of New York hereinafter referred to as "**City**" and the **Montgomery County Society for the Prevention of Cruelty to Animals, Inc.**, herein after referred to as the "**MCSPCA**", a not-for-profit corporation, created and existing under and by virtue of the laws of the State of New York and having its office and principal place of business adjacent to State Highway 5S on SPCA Road in the Town of Florida, County of Montgomery and the State of New York.  
IT IS AGREED AS FOLLOWS:

1. The **MCSPCA** will provide and maintain a shelter for all dogs, taken into custody by the **City's** Animal Control Officer under any provision of Article 7 of the Agriculture and Market Laws or any **City** Ordinance and properly care for such dogs until as provided in the above State Law they are redeemed, adopted, or subject to euthanasia. Should euthanasia be necessary, the cost of euthanasia and cremation or other authorized method of disposal (of the animals' remains) will be borne by the **City**. The fee for euthanasia will be \$65.00 per animal. Cremation is based upon weight and will be charged additionally. The **MCSPCA** will provide the transportation to the veterinarian for cremation for all dogs. Billing for euthanasia and cremation will be invoiced monthly.
2. The **City** shall be responsible for the costs of necessary medical treatment by a veterinarian of any animal during the mandatory statutory holding period of five (5) days for licensed and unlicensed dogs.
3. The **MCSPCA** shelter shall, at all times during the period of this agreement be under the care and charge of a competent employee and shall be open to the public at reasonable hours, to wit:  
Sunday and Tuesday: Closed  
Monday, Wednesday through Friday: 12:00 pm to 4:00 pm  
Legal holidays, emergencies, cruelty and neglect investigations excluded.
4. The **MCSPCA** shelter shall be accessible to the **City** on a twenty-four (24) hour basis. During the hours when the shelter is not open to the public it shall be accessible only for the purpose of leaving animals at the shelter.
5. The **MCSPCA** will assist all police agencies in the investigation of alleged cases of animal cruelty occurring in the **City** when those cases are reported to its duly appointed agents by written complaints, signed by those making the complaint.
6. The **MCSPCA** will follow the provisions of Article 7 of the Agriculture and Market Laws and any rules and regulations promulgated pursuant thereto in relation to the seizure, holding, care, redemption and disposition of seized dogs.
7. The **MCSPCA** will file and maintain a complete record of any seizure and subsequent disposition of any dog in the shelter's care in the manner prescribed by the Commissioner of Agriculture and Market, as well as any other record required by Article 7.

8. The MCSPCA will remit to the Fiscal Officer of the City any fees collected by it in the performance of this contract to which the City is entitled pursuant to Article 7 of the Agriculture and Market Laws.
9. The MCSPCA will provide and maintain a shelter for any dog deemed dangerous by the municipal judge and taken into custody by the City's Animal Control Officer or City's Police Officers under any provision of Article 7 of the Agriculture and Market Laws Section 123 or any City Ordinance. The MCSPCA shall properly care for such dogs until the dog is removed from the MCSPCA's premises by the City's Animal Control Officer or City's Police Officers. The City shall be responsible for necessary medical care and transportation of dangerous dogs to a veterinarian for treatment during the holding period. The City of Amsterdam will be charged the amount of fifteen (15) dollars per day for each dangerous dog held at the MCSPCA. The MCSPCA will bill the City on a monthly invoice while the dog's is being sheltered.
10. The City in consideration of the performance by the MCSPCA of the terms of this agreement, hereby agrees to pay the MCSPCA the sum of Sixteen Thousand Dollars (\$16,000.00) per year in four (4) quarterly installments to be paid as follows:
  - \$4,000 by July 31, 2015 and July 31, 2016
  - \$4,000 by October 31, 2015 and October 31, 2016
  - \$4,000 by January 31, 2016 and January 31, 2017
  - \$4,000 by April 30, 2016 and April 30, 2017
11. The term of this agreement shall be for a period of twenty four (24) months commencing on July 1, 2015 and ending on June 30, 2017.
12. Either party to this agreement may terminate this agreement in full by providing a written notice of such termination at least ninety (90) days prior to the termination date. Both parties to this agreement also agree that modifications may be made at any time by written agreement of both parties.

IN WITNESS WHEREOF the parties hereto have caused this agreement to be executed by their duly authorized officers.

City of Amsterdam

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Ann M. Thane, Mayor

Montgomery County Society for the Prevention of Cruelty to Animals, Inc.

By: Amy Tollner Date: 4/27/15  
Amy Tollner, President of the Board of Directors