

COMMON COUNCIL MEETING

OCTOBER 20, 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:

- 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

6:00 p.m. Steve Strichman, Land Bank Board Presentation

6:30 p.m. COW –

- a. Discussion of Mediated Negotiations – AFD (expected to take place in Executive Session)**
- b. Discussion on agenda items**

RESOLUTIONS

Old Business

- ~~80. _____ RESOLUTION
OVERRIDING VETO #15/216-72 _____ BARONE~~
- ~~81. _____ RESOLUTION
OVERRIDING VETO \$15/16-73 _____ BARONE~~

The override must occur within 15 days of the veto message Charter C-32C controls.

New Business

87. RESOLUTION
ADOPTING MINUTES BEEKMAN
88. RESOLUTION
APPROVING AUDIT
HATZENBUHLER
89. RESOLUTION
AMENDING BUDGET – WORKERS COMP
HATZENBUHLER
90. RESOLUTION
CHANGING DATE OF NOVEMBER 3 MEETING
LEGGIERO
91. RESOLUTION
AMENDING RESOLUTION #15/16-79
LEGGIERO
92. RESOLUTION
TRANSFERRING VEHICLE TO GASD
RUSSO
93. RESOLUTION
ADOPTING SECTION 504 POLICIES
MAYOR

94.

ADOPTING AFFIRMATIVE ACTION PLAN

RESOLUTION

MAYOR

Ordinances

2015-G ORDINANCE AMENDING CHAPTER 228 OF THE CODE MAYOR

Local Laws

2015-I LOCAL LAW ESTABLISHING CHAPTER 93 – BUILDINGS VACANT MAYOR
AND AT RISK

CITY OF AMSTERDAM, NY

COMMON COUNCIL

OCTOBER 20, 2015

RESOLUTION #15/16-87

RESOLUTION ADOPTING MINUTES OF THE LAST COMMON COUNCIL MEETING

BY: ALDERWOMAN BEEKMAN

RESOLVED, that the minutes of the Common Council meeting of October 6, 2015 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: _____, 2015

CITY OF AMSTERDAM, NY

COMMON COUNCIL

OCTOBER 20, 2015

RESOLUTION #15/16-88

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

OCTOBER 20, 2015

RESOLUTION #15/16-89

RESOLUTION AMENDING BUDGET- WORKERS COMPENSATION ASSESSMENT

BY: ALDERWOMAN HATZENBUHLER

RESOLVED, the Controller is authorized to amend the 2015-2016 budget for increased in cost of Workers' Compensation assessment as follows:

DECREASE EXPENSE:

| | | |
|--------------|-------------|--------------------------------|
| A-1990-4036 | Contingency | \$3,957.25 (bal. \$147,699.25) |
| F-1990-4036 | Contingency | \$4,068.11 (bal. \$49,368.04) |
| G-8110-4036 | Contingency | \$4,210.64 (bal. \$98,962.83) |
| CL-8160-4036 | Contingency | \$2,278.53 (bal. \$9,778.81) |
| CT-7180-4036 | Contingency | \$ 726.50 (bal. \$4,000) |
| CR-7180-4036 | Contingency | \$ 599.80 (bal. \$10,000) |

INCREASE EXPENSE:

| | | |
|--------------|--------------|------------|
| A-1990-8830 | Workers Comp | \$3,957.25 |
| F-1990-8830 | Workers Comp | \$4,068.11 |
| G-8110-8830 | Workers Comp | \$4,210.64 |
| CL-8160-8830 | Workers Comp | \$2,278.53 |
| CT-7180-8830 | Workers Comp | \$ 726.50 |
| CR-7180-8830 | Workers Comp | \$ 599.80 |

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

OCTOBER 20, 2015

RESOLUTION #15/16-90

RESOLUTION CHANGING DATE OF NOVEMBER MEETING

BY: MAYOR THANE

WHEREAS, Election Day falls on Tuesday, November 3, 2015, the normally scheduled date of the City of Amsterdam Common Council Meeting,

RESOLVED, that the November 3, 2015 meeting of the City of Amsterdam Common Council is hereby changed to November _____, 2015 at 7 pm.

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

OCTOBER 20, 2015

RESOLUTION #15/16-91

RESOLUTION AMENDING RESOLUTION #15/16-79 - DEMOLITION

BY: ALDERMAN LEGGIERO

WHEREAS, Resolution #15/16-79 approved demolition of properties, and

WHEREAS, 20 Bayard Street will be demolished by the Land Reutilization Corporation and the City wishes to replace 20 Bayard Street for City demolition with 18 Bayard Street,

RESOLVED, 18 Bayard Street is hereby approved for inclusion in demolition by the City of Amsterdam and 20 Bayard Street approved for demolition by the Land Reutilization Corporation.

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

OCTOBER 20, 2015

RESOLUTION #15/16-92

RESOLUTION TRANSFERRING VEHICLE TO GREATER AMSTERDAM SCHOOL DISTRICT

BY: ALDERMAN RUSSO

WHEREAS, the City of Amsterdam Police Department received from the County of Montgomery, a 1990 Ford cube van, at no cost, and said van is not needed by the the Amsterdam Police Department, and

WHEREAS, the Greater Amsterdam School District, needs this van to transport musical instruments,

RESOLVED, the Mayor or Chief of Police is authorized to transfers said vehicle to the Greater Amsterdam School District at no cost.

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

OCTOBER 20, 2015

RESOLUTION #15/16-93

RESOLUTION ADOPTING SECTION 504 POLICIES AND GRIEVANCE PROCEDURES FOR THE CITY OF AMSTERDAM

BY: MAYOR THANE

WHEREAS, Section 504 of the Rehabilitation Act of 14973 prohibits discrimination on the basis of disability in programs and activities conducted by the US Department of Housing and Urban Development (HUD) or by grantees that receive financial assistance from HUD, and

WHEREAS, Part 8 of Title 24 of the Code of Federal Regulations (24 CFR) requires adoption of grievance procedures to address complaints of those who feel they may have been discriminated against on the basis of disability and also requires the provision of notice of said grievance procedures, and

WHEREAS, it is the policy of the City of Amsterdam not to discriminate against any individual, person, or group on the basis of disability and the intent of the City of Amsterdam to address any complaints that may arise pursuant to Section 504,

RESOLVED, the City of Amsterdam does hereby adopt by resolution internal grievance procedures (the Procedure) providing for the prompt and equitable resolution of complaints alleging any action prohibited by Section 504 of the Rehabilitation Act of 1973 of the US Department of Health and Human Services regulation implementing the Act, and

FURTHER RESOLVED, the City of Amsterdam does hereby designation Employee Relations Director as the Grievance Coordinator who shall be responsible for receiving and addressing complaints pursuant to the Procedure adopted hereby and attached hereby, and

FURTHER RESOLVED, the City of Amsterdam will place its employee, the public and potential beneficiaries of certain federal public programs on notice by undertaking certain actions that will include, but may not be limited to: 1. Providing a copy of the grievance procedure to its employees; 2. Putting the public on notice by placing a notice in the City of Amsterdam official newspaper, posting of notices in the City of Amsterdam offices and facilities, placing notices in City of Amsterdam publications and/or distribution of memoranda r other written communications subsequent to adoption of this Procedure; 2. Placing copies of the Procedure in the Employee Relations Office, City Hall for review and dissemination and beneficiaries are aware of the City of Amsterdam adopted grievance procedures.

COMMON COUNCIL

City of Amsterdam, NY

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

ANN M. THANE, MAYOR

DATED: _____, 2015

BACKGROUND: Section 504 of the Rehabilitation Act of 1973 (the Act) as amending prohibits discrimination on the basis of disability in programs and activities conducted by HUD or that receive financial assistance from HUD. This includes the New York State Community Development Block Grant Disaster Recovery (CDBG-DR) Program funded by HUD, administered by the Governor's Office of Storm Recovery (GOSR), and under which the City of Amsterdam has received financial assistance. The Act specifically provides that no qualified individual shall, solely by reason of his or her handicap, be excluded from program participation, including employment, be denied program benefits or be subjected to discrimination. The Americans with Disabilities Act of 1990 (ADA) established provisions for assuring equality of opportunity, full participation, independent living, and self-sufficiency of disabled persons relative to employment, benefits and services, accommodations, commercial facilities, and multi-family housing.

SECTION 504 POLICY/COMPLIANCE: Part 8 of Title 24 of the Code of Federal Regulations (24 CFR) requires the adoption and notice/publication of ADA grievance procedures for municipalities with 15 or more employees, Section 8.53 and 8.54 respectively. Therefore, be it known that it is the policy of the City of Amsterdam not to discriminate on the basis of disability. Toward that end, the City of Amsterdam has adopted by resolution and internal grievance procedure providing for prompt and equitable resolution of complaints alleging any action prohibited by Section 504 of the Rehabilitation Act of 1973 (29 USC 794) of the US Department of Health and Human Services regulations implementing the Act. The subject law and implementation regulations may be examined in the Employee Relations Office. The Employee Relations Officer for the City of Amsterdam has been designated to coordinate the efforts of the City of Amsterdam with respect to Section 504 compliance. The Employee Relations Officer is located at 61 Church Street, Amsterdam NY 12010 and can be reached at 518 841-4308. This information can also be accessed on the Internet at the following address: http://portal.hud.gov/hudportal/HUD?scr=/program,_offices/fair_housing_equal_opp/disabilities/section504.

GRIEVANCE PROCEDURE: Any person who believes he or she has been subjected to discrimination on the basis of disability may file a grievance under the procedure adopted by the City of Amsterdam outlined below:

- Grievances must be submitted to the Section 504 Coordinator within 60 days of the date of the person filing the grievance becomes aware of the alleged discriminatory action.
- A complaint must be in writing containing the name and address of the person filing it. The complaint must state the problem or action alleged to be discriminatory and the remedy or relief sought.

- The Section 504 Coordinator (for her/his designee) shall conduct an investigation of the complaint. This investigation may be informal, but it must be thorough, affording all interested persons an opportunity to submit evidence relevant to the complaint. The Section 504 Coordinator will maintain the files and records for the City of Amsterdam relating to such grievance.
- The 504 Coordinator will issue a written decision on the grievance no later than 30 days after its filing.

- The person filing the grievance may appeal the decision of the Section 504 Coordinator by writing to the City of Amsterdam within 15 days of receiving the Section 504 Coordinator's decision. The City of Amsterdam shall issue a written decision in response to the appeal no later than 30 days after its filing.
- The availability and use of this grievance procedure does not prevent a person from filing a complaint of discrimination on the basis of disability with the US Department of Health and Human Services, Office for Civil Rights.

The City of Amsterdam will make appropriate arrangements to ensure that disabled persons are provided accommodations, if needed, to participate in this grievance process. Such arrangements may include, but are not limited to, providing interpreters for the deaf, providing taped cassettes of material for the blind or assuring barrier free location for the proceedings. The Section 504 Coordinator will be responsible for such arrangements.

It is against the law for the City of Amsterdam to retaliate against anyone who files a grievance or cooperates in the investigation of a grievance.

ADOPTED: _____

CITY OF AMSTERDAM, NY

COMMON COUNCIL

OCTOBER 20, 2015

RESOLUTION #15/16-94

RESOLUTION ACCEPTING AFFIRMATIVE ACTION PLAN AS REQUIRED UNDER THE NEW YORK STATE COMMUNITY DEVELOPMENT BLOCK GRANT DISASTER RECOVERY (CDBG-DR) PROGRAM

BY: MAYOR THANE

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

WHEREAS, participation in the New York State CDBG-DR Program requests the adoption and implementation of an Affirmative Action Plan to meet the Equal Employment Opportunity (EEO) requirements of Executive Order 11246 and other program policies, and

WHEREAS, the purpose of this plan is to prohibit workplace employment discrimination on the basis of age, race, color, religion, gender, creed, national origin, physical or mental disability, marital status, veteran status, disabled veteran status or status as a member of any other protected group or activity,

RESOLVED, the City of Amsterdam adopts the attached Affirmative Action Plan for implementation in the New York State CDBG-DR Program

City of Amsterdam, NY

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

ANN M. THANE, MAYOR

DATED: _____, 2015

AFFIRMATIVE ACTION PLAN

The City of Amsterdam has adopted the following Affirmative Action Plan to meet the Equal Employment Opportunity (EEO) requirements of Executive Order 11246 and the program policies of the New York State Community Development Block Grant-Disaster Recovery (CDBG-DR) Program. Executive Order 11246 prohibits federal contractors and subcontractors from engaging in workplace employment discrimination on the basis of age, race, color, religion, gender, creed, national origin, physical or mental disability, marital status, veteran status, disabled veteran status, or status as a member of any other protected group or activity.

1. The City of Amsterdam is committed to equal employment opportunity and as part of its Affirmative Action Plan shall:
 - a. Recruit, hire, upgrade, train and promote in all job classifications, without regard to age, race, color, religion, gender, creed, national origin, physical or mental disability, marital status, veteran status, disabled veteran status, or status as a member of any other protected group or activity;
 - b. Base employment decisions on the principles of equal employment opportunity, and with the intent to further the City of Amsterdam's commitment to affirmative action;
 - c. Ensure that all terms and conditions of employment such as compensation, benefits, layoff, return from layoff, training, educational tuition assistance, and social and recreation programs, shall be administered without regard to age, race, color, religion, gender, creed, national origin, physical or mental disability, marital status, veteran status, disabled veteran status, or status as a member of any other protected group of activity.
 - d. Ensure that promotion decisions will be made in accordance with the principles of affirmative action by imposing only valid requirements for promotion opportunities;
 - e. Take action to prevent harassment or intimidation of all employees, particularly those encompassed by the City of Amsterdam affirmative action efforts.

ADOPTED: _____

CITY OF AMSTERDAM, NEW YORK

COMMON COUNCIL MEETING

OCTOBER 20, 2015

Ordinance Number 2015-G (for introduction)

AN ORDINANCE AMENDING CHAPTER 228 OF THE CODE OF THE CITY OF AMSTERDAM

BY: MAYOR THANE

WHEREAS, it is necessary to revise the city code to modify the traffic control devices at the intersection of Guy and Division Streets,

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

ORDAIN AND ENACT as follows:

Chapters § 228-35 Schedule I “Traffic Control Signals,” and § 228-43 “Schedule XI Stop Intersections” of the code of the City of Amsterdam are hereby amended as indicated below: (underlined text is added and struck through text is to be deleted)

§ 228-35. Schedule I: Traffic Control Signals.

In accordance with the provisions of § 228-4, traffic control signals shall be installed at the following described intersections:

Intersection

~~Guy Park Avenue and Division Street~~

(This appears to be an error in the code as Guy Park and Division do not intersect and Guy Street is not listed while it has a traffic signal.)

§ 228-43 Schedule XI. Stop Intersections

In accordance with the provisions of § 228-12, the following described intersections are hereby designated as stop intersections, and stop signs shall be installed as follows:

| Stop Sign on | Direction of Travel | At Intersection of |
|------------------------|---------------------|--------------------|
| <u>Division Street</u> | <u>East</u> | <u>Guy Street</u> |

| | | |
|------------------------|-------------|-------------------|
| <u>Guy Park Avenue</u> | <u>West</u> | <u>Guy Street</u> |
|------------------------|-------------|-------------------|

COMMON COUNCIL

City of Amsterdam, NY

| | Aye | Nay |
|--------------------------------|-----|-----|
| <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