

**CITY OF AMSTERDAM, NEW YORK
COMMON COUNCIL MEETING
SEPTEMBER 3, 2013
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
 - Golf Commission*
 - Police Chief Culick*
 - VII. Public Participation
 - VIII. Controller's Report
 - IX. Old Business: *Resolution #13/14-47*
 - 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
- 7:15 pm Public Hearing – Local Law “D” to be known as Local Law #3 of 2013**

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 Tuesday on the day of the meeting.

RESOLUTIONS

Old Business

New Business

50. RESOLUTION ADOPTING MINUTES	DEROSI
51. RESOLUTION APPROVING AUDIT	LEGGIERO
52. RESOLUTION AMENDING BUDGET – ENGINEERING	LEGGIERO
53. RESOLUTION AMENDING BUDGET – ENGINEERING	LEGGIERO
54. RESOLUTION SECURING SERVICES OF ACCOUNTING FIRM	DYBAS
55. RESOLUTION APPROVING DEED -24 NORTHERN BLVD.	MAYOR
56. RESOLUTION AUTHORIZING MODIFICATION TRANSIT ADVERTISING CONTRACT	MAYOR
57. RESOLUTION AMENDING BUDGET – COMMON COUNCIL	LEGGIERO
58. RESOLUTION AMENDING BUDGET – SHARED SERVICES	LEGGIERO
59. RESOLUTION AMENDING BUDGET – DPW	LEGGIERO

ORDINANCES

Ordinance Number 2012-E – Stop Sign on Gray Street

LOCAL LAWS

**CITY OF AMSTERDAM, NY
COMMON COUNCIL
AUGUST 20, 2013**

REVISED

RESOLUTION #13/14-47

RESOLUTION REASSIGNING EQUIPMENT AND AMENDING BUDGET – GOLF

BY: ALDERWOMAN DEROSI

WHEREAS, the Department of Public Works has surplus equipment (a 500 gallon double wall hopper gas tank and electric transfer pump) that is needed at the Amsterdam Municipal Golf Course,

WHEREAS, a budget amendment is needed to account for the avoided expense in the golf fund for the reassignment of said equipment to the golf course,

RESOLVED, that the said equipment is hereby reassigned to be used at the Amsterdam Municipal Golf Course, and

FURTHER RESOLVED, the Controller is authorized to amend the 2013-2014 budget as follows:

DECREASE EXPENSE:

CR-7180-4099	Grounds Maint.	\$2,500.00
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INCREASE EXPENSE:

A-5110-4000	Contractual	\$2,500.00
CR-7180-4148	Admin Charges	\$2,500.00

INCREASE REVENUE

A-5031	Int Fund Transfer – Golf	\$2,500.00
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MOTION TO TABLE by Alderwoman Beekman passed with aye. (8/20/13)

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: _____, 2013

**CITY OF AMSTERDAM, NY
COMMON COUNCIL
SEPTEMBER 3, 2013**

RESOLUTION #13/14-50

RESOLUTION ADOPTING MINUTES OF THE LAST COMMON COUNCIL MEETING

BY: ALDERWOMAN DEROSI

RESOLVED, that the minutes of the Common Council meeting of August 20, 2013 are hereby approved.

COMMON COUNCIL
City of Amsterdam, NY

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

ANN M. THANE, MAYOR

Dated: _____, 2013

**CITY OF AMSTERDAM, NY
COMMON COUNCIL
SEPTEMBER 3, 2013**

RESOLUTION #13/14-51

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: _____, 2013

**CITY OF AMSTERDAM, NY
COMMON COUNCIL
SEPTEMBER 3, 2013**

RESOLUTION #13/14-52

RESOLUTION AMENDING BUDGET – ENGINEERING

BY: ALDERMAN LEGGIERO

WHEREAS, a budget amendment is needed for insurance receipt of damage to a fire hydrant as a result of a motor vehicle accident,

RESOLVED, the Controller is authorized to amend the 2013-2014 budget as follows:

INCREASE REVENUE

F-2680	Ins. Recoveries	\$378.62
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INCREASE EXPENSE

F-8340-1001	Overtime	\$126.64
F-8340-2012	Equip/Supplies	\$ 50.00
F-8340-4000	Contractual	\$.38
F-8340-4042	Eq/Parts/Valves	\$129.00
F-8340-4070	Vehicle Repair	\$ 72.60

COMMON COUNCIL
City of Amsterdam, NY

	Aye	Nay

Alderman Isabel		

Alderwoman Beekman		

Alderwoman DeRossi		

Alderman Dybas		

Alderman Leggiero		

Controller	Vacant	

Mayor Thane		

ANN M. THANE, MAYOR

Dated: _____, 2013

**CITY OF AMSTERDAM, NY
COMMON COUNCIL
SEPTEMBER 3, 2013**

RESOLUTION #13/14-53

RESOLUTION AMENDING BUDGET – ENGINEERING

BY: ALDERMAN LEGGIERO

WHEREAS, a budget amendment is needed for insurance receipt of damage to a City sewer line as a result of damage by a contractor,

RESOLVED, the Controller is authorized to amend the 2013-2014 budget as follows:

INCREASE REVENUE

G-2680	Ins. Recoveries	\$2,610.86
A-2680.21	Ins. Recoveries DPW	\$ 544.13

INCREASE EXPENSE

G-8130-1001	Overtime	\$1,373.60
G-8130-4000	Contractual	\$ 4.73
G-8130-4042	Eq/Parts/Valves	\$ 32.90
G-8130-4070	Vehicle Repair	\$1,040.36
G-8130-4074	Blacktop	\$ 126.77
G-8130-4075	Sand/Rub/Cemt	\$ 32.50
A-5110-1001	Overtime	\$ 333.00
A-5110-2012	Equip/Supplies	\$ 210.38
A-5110-4078	Radio Repairs	\$.75

COMMON COUNCIL
City of Amsterdam, NY

	Aye	Nay

Alderman Isabel		

Alderwoman Beekman		

Alderwoman DeRossi		

Alderman Dybas		

Alderman Leggiero		

Controller	Vacant	

Mayor Thane		

ANN M. THANE, MAYOR

Dated: _____, 2013

**CITY OF AMSTERDAM, NY
COMMON COUNCIL
SEPTEMBER 3, 2013**

RESOLUTION #13/14-54

RESOLUTION AUTHORIZING SERVICES OF ACCOUNTING FIRM –AUD

BY: ALDERMAN DYBAS

WHEREAS, on February 19, 2013 the City of Amsterdam was notified by letter to the City Controller from the State of New York OFFICE OF THE STATE COMPTROLLER signed by Anthony J Dolan, Manager Data Management Unit stating “Despite previous correspondence with your office, your annual financial report for the fiscal year ended June 30, 2013 remains delinquent, pursuant to General Municipal Law Part 30, your annual report should have been filed with the Office of the State Comptroller by November 1, 2012”, and

WHEREAS, on October 5, 2012 the City of Amsterdam was notified by letter to the City Controller from the State of New York OFFICE OF THE STATE COMPTROLLER signed by Jeffrey P Leonard CPA Chief Examiner stating “I want to let you know that we conduct performance audits’, we do not conduct ‘financial audits’ as you reference in your request. As such you should understand our audit will not result in us adjusting or correcting the City’s account balances (emphasis added)...Furthermore, if neither you nor the current staff of your office has the capabilities to resolve the accounting issues you mention, you may want to consider contracting with an accounting firm for the services to assist you in addressing the accounting issues and/or possibly hiring an employee with the qualifications to correct and maintain the City’s accounting records.” And

WHEREAS, there appears to be, based on recent conversations concerning the condition of the City’s accounting records with the OFFICE OF THE STATE COMPTROLLER personnel, the need to contract with an accounting firm for the services to assist in addressing the accounting issues and maintain the City’s accounting records,

RESOLVED, the City shall immediately secure the services of a qualified accounting firm to resolve the City’s accounting issues and adjust and correct the City’s accounting records so as to be in conformance with General Municipal Law so as to provide audited Annual Financial Update Reporting Documents for fiscal years 2011/2012, 2013/2013 and 2013/2014.

COMMON COUNCIL
City of Amsterdam, NY

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

ANN M. THANE, MAYOR

Dated: _____, 2013



THOMAS P. DINAPOLI
STATE COMPTROLLER

STATE OF NEW YORK
OFFICE OF THE STATE COMPTROLLER
110 STATE STREET
ALBANY, NEW YORK 12236
February 19, 2013

STEVEN J. HANCOX
DEPUTY COMPTROLLER
DIVISION OF LOCAL GOVERNMENT
AND SCHOOL ACCOUNTABILITY
Tel: (518) 474-4037 Fax: (518) 486-6479

City Controller
City of Amsterdam
61 Church St
Amsterdam, NY 12010

Dear City Controller :

Despite previous correspondence with your office, your annual financial report for the fiscal year ended June 30, 2012 remains delinquent. Pursuant to the General Municipal Law, §30, your annual report should have been filed with the Office of the State Comptroller by November 1, 2012. In as much as a timely report impacts the entire municipality, a copy of this letter is being distributed to each member of your municipality's legislative body.

We recognize that the demands on your office may conflict with your efforts to complete the report; however, we must emphasize the importance of the information in the annual financial report to the management of your municipality and a wide variety of external users.

Our prior correspondence noted that we provide financial data from your municipality and other local governments to the State Legislature, State Agencies and other interested parties for their use in allocating resources and monitoring programs, which may affect your municipality directly. We also make this information available to the general public and note those municipalities that have not filed their reports with our Office. To avoid negative consequences that may be associated with those circumstances, we again urge you to file your annual financial report for the fiscal year ended June 30, 2012 without further delay.

As we have noted in each of our earlier letters, the Division of Local Government and School Accountability is prepared to assist you in filing your annual financial report. Questions relating to accounting issues or the preparation of your annual financial report should be directed to our regional office serving your county. A listing of NYS counties and regional office contacts can be found on our website at: <http://www.osc.state.ny.us/localgov/contact.htm>. For assistance with the Annual Financial Report or our electronic filing software, please call 1-855-478-5472 or (518) 408-4934 if calling locally.

Sincerely,

Anthony J. Dolan

Manager, Data Management Unit
Division of Local Government and
School Accountability

cc: CEO
Legislative Board Members



SCU 1 TO
Council
and Benny —

THOMAS P. DINAPOLI
COMPTROLLER

STATE OF NEW YORK
OFFICE OF THE STATE COMPTROLLER
110 STATE STREET
ALBANY, NEW YORK 12236

STEVEN J. HANCOX
DEPUTY COMPTROLLER
DIVISION OF LOCAL GOVERNMENT
AND SCHOOL ACCOUNTABILITY
Tel: (518) 474-4037, Fax: (518) 486-6479

December 21, 2012

Honorable Ann M. Thane
City Mayor
City of Amsterdam
61 Church St
Amsterdam, NY 12010

Dear Ms. Thane

The Division of Local Government and School Accountability of the Office of the State Comptroller has selected the City of Amsterdam for an audit. The audit will focus on the City's financial operations. The period to be covered by our audit will be determined after we complete our preliminary assessment of the City's operations. We plan to begin audit fieldwork within the next several weeks and will contact you soon to schedule a start date. Once the audit is underway, our audit staff will be available to meet with any City officials, including individual members of the Council, at any time during audit fieldwork.

Attachment A lists some of the records and information we expect to review during the audit. During the course of the audit, we may need to request other information as well. Additionally, in advance of the audit, we will require certain electronic information from your financial accounting system as outlined in Attachment B. We recognize that an audit places additional demands on you and your staff and we will do our best to minimize disruption to your day-to-day operations. We have enclosed a copy of our publication, Understanding the Audit Process, which explains how we conduct our audits.

At the conclusion of our audit, we will report on the audit's results and provide recommendations to help improve your City's operations. As a key City official, you will have a role in monitoring any corrective actions that need to be taken as a result of this audit. Therefore, please feel free to ask questions about the audit's progress at any time during the audit engagement. If I can answer any questions you have at this time, please contact me at (518) 793-0057.

Sincerely,

Jeffrey P. Leonard, CPA
Chief Examiner
Division of Local Government
and School Accountability

JPL:ajh
Enclosures

cc: Ronald Wierzbicki, City Controller
Susan Alibozek, City Clerk



THOMAS P. DINAPOLI
COMPTROLLER

STATE OF NEW YORK
OFFICE OF THE STATE COMPTROLLER
110 STATE STREET
ALBANY, NEW YORK 12236

STEVEN J. HANCOX
DEPUTY COMPTROLLER
DIVISION OF LOCAL GOVERNMENT
AND SCHOOL ACCOUNTABILITY
Tel: (518) 474-4037 Fax: (518) 486-6479

October 5, 2012

Mr. Ronald G. Wierzbicki
City Controller
City of Amsterdam
61 Church Street
Amsterdam, NY 12010

Dear Controller Wierzbicki,

I am writing to acknowledge your letter of October 2, 2012 in which you request a financial audit be performed by us of the operations of your office. Your letter mentions improper and incorrect accounting practices going back several years as reasons for your request.

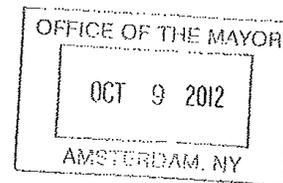
I will take your request under consideration and if we do decide to perform an audit I will send an audit notification letter to the Mayor and yourself. I want to let you know that we conduct 'performance audits', we do not conduct 'financial audits' as you reference in your request. As such, you should understand our audit will not result in us adjusting or correcting the City's account balances. If your main intent is to have a financial audit performed, you will need to contract with an independent accounting firm for such an audit. Furthermore, if neither you nor the current staff of your office has the capabilities to resolve the accounting issues you mention, you may want to consider contracting with an accounting firm for services to assist you in addressing the accounting issues and / or possibly hiring an employee with the qualifications to correct and maintain the City's accounting records.

If you or any other City officials have any other issues or concerns for us to take into consideration while determining if an audit of the City by us is warranted, please feel free to write to us.

Sincerely,

Jeffrey P. Leonard, CPA
Chief Examiner

cc: Mayor Ann M. Thane ✓



**CITY OF AMSTERDAM, NY
COMMON COUNCIL
SEPTEMBER 3, 2013**

RESOLUTION #13/14-55

RESOLUTION AUTHORIZING DEED FOR 24 NORTHERN BOULEVARD

BY: MAYOR THANE

WHEREAS, the City of Amsterdam included 24 Northern Boulevard in its last foreclosure and took title thereto, and

WHEREAS, Franklin Mortgage Asset Trust 2009 filed an action objecting to said foreclosure and in the context of that action all back taxes were paid and the foreclosure deed was vacated by court order, and

WHEREAS, it is necessary to execute a quit claim deed to Franklin Mortgage Asset Trust 2009 to clarify the title record

RESOLVED, that the Mayor is authorized to execute a quit claim deed for 24 Northern Boulevard to Franklin Mortgage Asset Trust 2009.

COMMON COUNCIL
City of Amsterdam, NY

	Aye	Nay

Alderman Isabel		
Alderwoman Beekman		
Alderwoman DeRossi		
Alderman Dybas		
Alderman Leggiero		

ANN M. THANE, MAYOR

Dated: _____, 2013

**CITY OF AMSTERDAM, NY
COMMON COUNCIL
SEPTEMBER 3, 2013**

RESOLUTION #13/14-56

RESOLUTION AUTHORIZING MAYOR TO MODIFY TRANSIT ADVERTISING CONTRACT

BY: MAYOR THANE

WHEREAS, the LAMAR TRANSIT ADVERTISING has proposed to discontinue the advertising contract dated May 1, 2012, and

WHEREAS, the terms of of that discontinuation are set forth on the attached letter of understanding dated August 22, 2013,

RESOLVED, that the Mayor is authorized to execute the attached letter of understanding.

COMMON COUNCIL
City of Amsterdam, NY

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

ANN M. THANE, MAYOR

Dated: _____, 2013

**CITY OF AMSTERDAM, NY
COMMON COUNCIL
SEPTEMBER 3, 2013**

RESOLUTION #13/14-57

RESOLUTION AMENDING BUDGET- COMMON COUNCIL

BY: ALDERMAN LEGGIERO

WHEREAS, the cost of codification exceeds budgeted amount of service by \$408.56,

RESOLVED, the Controller is authorized to amend the 2013-2014 budget as follows:

DECREASE EXPENSE:

A-1990-4036	Contractual	\$228.79 (bal. \$93,100)
F-1990-4036	Contractual	\$81.71 (bal. \$65,500)
G-8110-4036	Contractual	\$69.46 (bal. \$133,200)
CL-8160-4140	Cleanup Wk	\$28.60 (bal. \$12,900)

INCREASE EXPENSE:

A-1010-4104	Codification	\$408.56
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COMMON COUNCIL
City of Amsterdam, NY

	Aye	Nay

Alderman Isabel		

Alderwoman Beekman		

Alderwoman DeRossi		

Alderman Dybas		

Alderman Leggiero		

Controller	Vacant	

Mayor Thane		

ANN M. THANE, MAYOR

Dated: _____, 2013

**CITY OF AMSTERDAM, NY
COMMON COUNCIL
SEPTEMBER 3, 2013**

RESOLUTION #13/14-58

RESOLUTION AMENDING BUDGET- SHARED SERVICES

BY: ALDERMAN LEGGIERO

WHEREAS, the cost of elevator repairs exceeds budgeted amount of service by \$212.24,

RESOLVED, the Controller is authorized to amend the 2013-2014 budget as follows:

DECREASE EXPENSE:

A-1620-4000	Contractual	\$212.24 (bal. \$4381.17)
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INCREASE EXPENSE:

A-1620-4027	Elevator Service	\$212.24
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COMMON COUNCIL
City of Amsterdam, NY

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

ANN M. THANE, MAYOR

Dated: _____, 2013

**CITY OF AMSTERDAM, NY
COMMON COUNCIL
SEPTEMBER 3, 2013**

RESOLUTION #13/14-59

RESOLUTION AMENDING BUDGET- DPW

BY: ALDERMAN LEGGIERO

WHEREAS a budget amendment is needed to cover work done by DPW on behalf of the Water Department,

RESOLVED, the Controller is authorized to amend the 2013-2014 budget as follows:

DECREASE EXPENSES

F-8310-1000.04	Personnel Exp. Controller	\$12,087.19 (bal. \$882.39)
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INCREASE EXPENSES

F-8310-4144	Public Works Support	\$12,087.19
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COMMON COUNCIL
City of Amsterdam, NY

	Aye	Nay

Alderman Isabel		

Alderwoman Beekman		

Alderwoman DeRossi		

Alderman Dybas		

Alderman Leggiero		

Controller	Vacant	

Mayor Thane		

ANN M. THANE, MAYOR

Dated: _____, 2013

**CITY OF AMSTERDAM, NY
COMMON COUNCIL
SEPTEMBER 3, 2013**

**Ordinance Number 2012-E (to be known as Ordinance Number 2013-4 if adopted)
(for introduction)**

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

BY: ALDERMAN LEGGIERO

WHEREAS, it has been requested by residents that a stop sign be added on the northbound side of Gray Street at the intersection with Center Street,

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

Chapter 228, Article VII, Section 228-43 "Schedule XI Stop Intersections" of the Code of the City of Amsterdam is hereby amended as indicated below: (underlined items are added):

Add to Schedule

<u>Name of Street</u>	<u>Direction of Travel</u>	<u>Location</u>
<u>Gray Street</u>	<u>North</u>	<u>at intersection of Center Street</u>

This ordinance shall take effect pursuant to Section 33 of the Charter.

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: _____, 2013



**PROCLAMATION RECOGNIZING OCTOBER 2013
AS ANTI-BULLYING AWARENESS MONTH**

***WHEREAS**, we must safeguard schools and communities for our children, and, through our recognition of the serious issues that face them each day, offer our children an environment that holds promise and security; and*

***WHEREAS**, many organizations, school districts, educators and parents have publicly expressed concern about the bullying of children; and*

***WHEREAS**, each day an estimated 160,000 children refuse to go to school because they dread the physical and verbal aggression of their peers, and the loneliness that comes from being excluded and made the target of rumors and cyber-bullying; many more students attend school in a chronic state of anxiety; and*

***WHEREAS**, it is important that we acknowledge and heighten awareness about the serious issues and the negative effects of bullying, including the long-term damage it can cause in our youth as well as t*

he risks of teenage suicide; and

***WHEREAS**, providing a safe physical and emotional environment is a significant goal and a personal responsibility of each individual; and*

***WHEREAS**, it is time to “**Stand UP for Character - DOWN to Bullying!**”; now, therefore be it*

***PROCLAIMED**, that I, Ann M. Thane, Mayor do hereby designate the month of October 2013 as Anti-Bullying Awareness Month in the City of Amsterdam as a symbol of our commitment to the year-round struggle against bullying.*