

**CITY OF AMSTERDAM, NEW YORK
COMMON COUNCIL MEETING
OCTOBER 18, 2011
7:30 p.m.**

ORDER OF BUSINESS

- I. Call to Order
- II. Salute to the Flag
- III. Roll Call
- IV. Moment of Silence
- V. Adoption of Agenda
- VI. Proclamations
- VII. Public Participation
- VIII. Communications
 - Department Head Presentation:**
 - Rob Spagnola, Recreation
 - Chief Liberti, Fire Department
- 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) Other:
- XI. Adjournment

6:30 p.m. Codes/Claims Committee

RESOLUTIONS

- | | |
|---|-----------------|
| .75. RESOLUTION ADOPTING MINUTES | WILLS |
| 76. RESOLUTION APPROVING AUDIT | WILLS |
| 77. RESOLUTION AUTHORIZING CHANGE ORDER – DEMOLITION | LEGGIERO |
| 78. RESOLUTION AMENDING BUDGET – ENGINEERING | LEGGIERO |
| 79. RESOLUTION AUTHORIZING EXTENDED SICK LEAVE | MAYOR |

**CITY OF AMSTERDAM, NY
COMMON COUNCIL
NOVEMBER 1, 2011**

RESOLUTION #11/12-75

RESOLUTION ADOPTING MINUTES OF THE LAST COMMON COUNCIL MEETING

BY: ALDERMAN WILLS

RESOLVED, that the minutes of the Common Council meeting of October 18, 2011, prepared by the Amsterdam City Clerk, are hereby adopted and,

FURTHER RESOLVED, that any changes made by a Council Member to their own remarks, and submitted within two (2) weeks of the passage of this Resolution, shall be incorporated in the minutes of the meeting.

COMMON COUNCIL
City of Amsterdam, NY

	Aye	Nay
Alderman Isabel		
Alderwoman Pierce		
Alderwoman DeRossi		
Alderman Wills		
Alderman Leggiero		

ANN M. THANE, MAYOR

Dated: _____, 2011

**CITY OF AMSTERDAM, NY
COMMON COUNCIL
NOVEMBER 1, 2011**

RESOLUTION #11/12-76

RESOLUTION APPROVING AUDIT

BY: ALDERMAN WILLS

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 Pierce		
Alderwoman DeRossi		
Alderman Wills		
Alderman Leggiero		

ANN M. THANE, MAYOR

Dated: _____, 2011

**CITY OF AMSTERDAM, NY
COMMON COUNCIL
NOVEMBER 1, 2011**

RESOLUTION #11/12-77

RESOLUTION AUTHORIZING CHANGE ORDER - DEMOLITION

BY: ALDERMAN LEGGIERO

WHEREAS, Cristo Demolition was awarded the contract for demolition of property on Brookside Avenue, and

WHEREAS, additional contaminated debris needed to be removed,

RESOLVED, the City of Amsterdam Common Council hereby approves the change order for Cristo Demolition in the amount of \$32,617.17 (funding to be provided through capital project H-50-1010-4040).

COMMON COUNCIL
City of Amsterdam, NY

	Aye	Nay
Alderman Isabel		
Alderwoman Pierce		
Alderwoman DeRossi		
Alderman Wills		
Alderman Leggiero		

ANN M. THANE, MAYOR

Dated: _____, 2011

**CITY OF AMSTERDAM, NY
COMMON COUNCIL
NOVEMBER 1, 2011**

RESOLUTION #11/12-78

RESOLUTION AMENDING BUDGET - ENGINEERING

BY: ALDERMAN LEGGIERO

WHEREAS, insurance monies have been received for damage to a sewer pie at Riverlink Park on April 11, 2011,

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

INCREASE REVENUE

A-2680	Insurance Recovery	\$906.20
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INCREASE EXPENSE:

A-26-7020-4000	Contractual	\$906.02
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COMMON COUNCIL
City of Amsterdam, NY

	Aye	Nay

_____ Alderman Isabel		
_____ Alderwoman Pierce		
_____ Alderwoman DeRossi		
_____ Alderman Wills		
_____ Alderman Leggiero		
_____ Controller		
_____ Mayor Thane		

ANN M. THANE, MAYOR

Dated: _____, 2011

**CITY OF AMSTERDAM, NY
COMMON COUNCIL
NOVEMBER 1, 2011**

RESOLUTION #11/12-79

RESOLUTION AUTHORIZING EXTENDED SICK LEAVE

BY: MAYOR THANE

WHEREAS, DPW Employee John Loucks has suffered a serious illness and has requested extended sick leave,

WHEREAS, the current AFSCME contract allows for the granting of extended sick leave with full pay, which is loaned and then deducted from future accumulation, and

WHEREAS, the Director of Employee Relations has reviewed this request and finds it to be in accordance with the current contract,

RESOLVED, that the Common Council agrees to grant up to two (2) calendar month extended sick leave to John Loucks.

COMMON COUNCIL
City of Amsterdam, NY

	Aye	Nay

Alderman Isabel		

Alderwoman Pierce		

Alderwoman DeRossi		

Alderman Wills		

Alderman Leggiero		

ANN M. THANE, MAYOR

Dated: _____, 2011

**CITY OF AMSTERDAM, NY
COMMON COUNCIL
NOVEMBER 1, 2011**

ORDINANCE NUMBER 2011-8

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

BY: ALDERMAN LEGGIERO

The City of Amsterdam, in Common Council convened, does hereby,
ORDAIN AND ENACT as follows:

Chapter §28-47 "Schedule XII Parking Prohibited at All Times" of the code of the City of Amsterdam is hereby amended as indicated below:

<u>Name of Street</u>	<u>Side</u>	<u>Location</u>
Florida Avenue	South Side	West from A Street to National Grid Pole # 31

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

COMMON COUNCIL
City of Amsterdam, NY

	<u>Aye</u>	<u>Nay</u>
<u>Alderman Isabel</u>		
<u>Alderwoman Pierce</u>		
<u>Alderwoman DeRossi</u>		
<u>Alderman Wills</u>		
<u>Alderman Leggiero</u>		

ANN M. THANE, MAYOR

Dated _____, 2011

**CITY OF AMSTERDAM, NEW YORK
COMMON COUNCIL MEETING
NOVEMBER 1, 2011**

ORDINANCE NUMBER 2011-9

AN ORDINANCE REVISING CITY CODE CHAPTER 171 – ARTICLE II, PEDDLING AND ARTICLE III, SOLICITATION(for introduction)

BY: ALDERMAN WILLS

The City of Amsterdam, in Common Council convened, does hereby,
ORDAIN AND ENACT as follows:

Chapter 171, Article II, PEDDLING of the Code of the City of Amsterdam is hereby amended as follows, underlined material is added and stricken material is to be removed:

§ 171-18. Definitions.

As used in this article, the following terms shall have the meanings indicated:

PEDDLER -- Any person, whether a resident of the City of Amsterdam or not, traveling by foot, wagon, automobile vehicle or other type of conveyance from place to place, from house to house or from street to street, carrying, conveying or transporting goods, wares, merchandise, meats, fish, vegetables, fruits, garden truck or farm products or provisions and offering and exposing the same for sale or making sales and delivering articles to purchasers or who, without traveling from place to place, shall sell or offer the same for sale from a wagon, automobile vehicle, railroad car or other vehicle or conveyance; and further provided that one who solicits orders and as a separate transaction makes deliveries to purchasers as a part of a scheme or design to evade the provisions of this article shall be deemed a "peddler" subject to the provisions of this article. The word "peddler" shall include the words "hawker" and "huckster."

PERSON -- Includes the singular and the plural and shall also mean and include any person, firm or corporation, association, club, co-partnership or society or any other organization.

§171.19. Application for license, fee

A. Applicants for permit and license under this article must file with the City Clerk a sworn application, in writing (in duplicate), on a form to be furnished by the City Clerk, which shall give the following information:

- (1) The name and description of the applicant.
- (2) The permanent home address and full local address of the applicant.
- (3) A brief description of the nature of the business and the goods to be sold.
- (4) If employed, the name and address of employer, together with credentials establishing the exact relationship.
- (5) The length of time for which the right to do business is desired.
- (6) The place where the goods or property proposed to be sold or orders taken for the sale thereof are manufactured and produced, where such goods or products are located at the time said application is filed and the proposed method of delivery.
- (7) The names of at least three reliable property owners of the City of Amsterdam, New York, who will certify as to the applicant's good character and business

responsibility or, in lieu of the names of references, the fingerprints of the applicant and a photograph of the applicant taken within 60 days immediately prior to the date of the filing of the application, which picture shall be two inches by two inches, showing the head and shoulders of the applicant in a clear and distinguishing manner, and such other available evidence as to the good character and business responsibility of the applicant as will enable an investigator to properly evaluate such character and business responsibility.

- (8) A statement as to whether or not the applicant has been convicted of any crime, misdemeanor or violation of any municipal ordinance, the nature of the offense and the punishment or penalty assessed therefor.
- (9) A statement by a reputable physician of the City of Amsterdam, dated not more than 10 days prior to submission of the application, certifying the applicant to be free of contagious, infectious or communicable disease.

B. At the time of filing, a fee of ~~\$5.00~~ \$10.00 shall be paid to the City Clerk to cover the cost of investigation of the facts stated therein.

§ 171-20. Investigation and issuance of license.

- A. Upon receipt of such application, the original shall be referred to the Chief of Police, who shall cause such investigation of the applicant's business and moral character to be made as he deems necessary for the protection of the public good.
- B. If as a result of such investigation the applicant's character or business responsibility is found to be unsatisfactory, the Chief of Police shall endorse on such application his disapproval of the application and his reasons for the same and return the application to the City Clerk, who shall notify the applicant that his application is disapproved and that no permit and license will be issued.
- C. If as a result of such investigation the character and business responsibility of the applicant are found to be satisfactory, the Chief of Police shall endorse on the application his approval, execute a permit addressed to the applicant for the carrying on of the business applied for and return said permit along with the application to the City Clerk, who shall, upon payment of the prescribed license fee, deliver to the applicant his permit and issue a license. Such license shall contain the signature and seal of the issuing officer and show the name, address and photograph of said licensee, the class of license issued and the kind of goods to be sold thereunder, the amount of fee paid, the date of issuance and the length of time the same shall be operative, as well as the license number and other identifying description of any vehicle used in such peddling. The Clerk shall keep a permanent record of all licenses issued.
- D. Applicants must provide proof from the City of Amsterdam Police Department that applicant has had photograph and fingerprinting done in the Amsterdam Police Department at least 10 days prior to application. Photograph of the applicant taken shall be two inches by two inches (2"x2") showing the head and shoulders of the applicant in a clear and distinguishing manner, and such other available evidence as to the good character and business responsibility of the applicant as will enable an investigator to property evaluate such character and business responsibility.

§171.21. Fees

- A. The fees for peddler's licenses shall be as follows:
 - (1) Per year: ~~\$100~~ \$125.
 - (2) For a six-month period: ~~\$75.~~ \$90
 - (3) For a ~~three-month period or portion thereof:~~ \$50.

(4) No fee shall be required of one selling products of the farm or orchard actually produced by the seller or one subject to the provisions of Article 4 of General Business Law of the State of New York or of milk peddlers.

B. For the purpose of this article, any period of seven calendar days or less shall be considered one week; any period of more than seven calendar days and not more than 30 calendar days shall be considered one month; any period of more than 30 calendar days and not more than one calendar year shall be treated as a year. The annual fees herein provided shall be assessed on a calendar-year basis: and, on and after July 1 the amount of the fee for such annual licenses shall be 1/2 the amount stipulated for the remainder of the year.

§ 171-22. Bond.

Before any license, as provided by this article, shall be issued for engaging in the business of being a peddler, as defined in §171-18 of this article, in the City of Amsterdam, such applicant shall file with the City Clerk a bond to the City of Amsterdam in the sum of ~~\$1,000~~ \$5,000 per individual or a Surety bond in the sum of \$5,000 per corporation plus \$1,000 for each individual assisting said licensed corporation.

§ 171-23. Issuance of plates and badges.

Applicants and persons soliciting or selling for and on behalf of the applicant are required to exhibit the identification material at all time provided by the City Clerk following approval by the Chief of Police.

A. Material shall include, but not be limited to:

1. Identification cards or badges which shall be prominently displayed on person while peddling. The identification cards or badges shall bear the words "Licensed Peddler", the period for which the license is issued and the number of the license in letters and figures plainly discernible and shall be worn constantly by the licensee on his/her outer garment or hat in such a way as to be conspicuous during such time as said licensee is engaged in peddling.
2. Placard for automobile(s) used in solicitation identifying company. All license plate numbers of vehicles that will be used by licensed solicitors/canvassors must be registered with the City Clerk and the Amsterdam Police Department.

~~The City Clerk shall issue to each licensee, at the time of delivery of his license, two license plates for each vehicle to be used, plus a metal badge for each individual licensed under this article. The license plates or badges shall bear the words "Licensed Peddler," the period for which the license is issued and the number of the license in letters and figures plainly discernible. License plates shall be attached to the vehicle used by the licensee, either on both sides or on the front and rear of the vehicle so used. Such badge shall be worn constantly by the licensee on the front of his hat or outer garment in such a way as to be conspicuous during such time as said licensee is engaged in peddling.~~

Sections 171 -24 through 33 are unchanged

Chapter 171, Article III SOLICITATION AND CANVASSING of the Code of the City of Amsterdam is replaced in its entirety with the follows:

§171-34. Permit and license required

It shall be unlawful for any solicitor or canvasser, as defined in § 171-35 of this article, to engage in such business within the corporate limits of the City of Amsterdam without first obtaining a permit and license therefor in compliance with the provisions of this article.

- A. Except as noted in Subsection C of this section, it shall be unlawful for any person(s), whether a resident of the City of Amsterdam or not, to sell or offer to sell any commodity by means of door-to-door canvassing or solicitation of residential or business property without first obtaining a permit in compliance with Chapter 71, Article II of the Code of the City of Amsterdam.
- B. Person shall include singular and the plural and shall also mean and include any individual, society, club, firm, partnership, corporation or association of person.
- C. Exceptions
 1. Individuals under the age of 16 years who vend Boy Scouts/Girl Scout cookies, candy, lemonade or similar items.
 2. No permit shall be required of a religious institution soliciting directly from its members.
 3. Individuals soliciting for not-for-profit organizations (i.e. American Heart Association) as well as political campaign personnel shall be required to register with the City Clerk and be issued a picture ID to prominently display while out canvassing.**
****It has been suggested that a fee be charged for these individuals. If agreed upon at the Committee Meeting it will be added to the proposed LL.****

§171-35. Definitions

As used in this article, the following terms shall have the meanings indicated:

CANVASSER OR SOLICITOR -- Any individual, whether resident of the City of Amsterdam or not, traveling either by foot, wagon, automobile, motor truck or any other type of conveyance, from place to place, from house to house or from street to street, taking or attempting to take orders for sale of goods, wares and merchandise, electric or gas utility contracts, personal property of any nature whatsoever for future delivery or for services to be furnished or performed in the future, whether or not such individual has, carries or exposes for sale a sample of the subject of such sale or whether he is collecting advance payments on such sales or not, provided that such definition shall include any person who, for himself or for another person, firm or corporation, hires, leases, uses or occupies any building, structure, tent, railroad boxcar, boat, hotel room, lodging house, apartment, shop or any other place within the city for the sole purpose of exhibiting samples and taking orders for future delivery.

CITY CLERK – The City Clerk of the City of Amsterdam

COMMODITY – An item bought and sold, something that people find useful or of value

LICENSE – A license issued pursuant to this chapter

LICENSEE – Any person holding a license

§171-36 Application for license; fee.

- A. Applicants for permit and license under this article must file with the City Clerk a sworn written and signed application, (in duplicate), on a form to be furnished by the City Clerk, which shall give the following information:
 1. The name and description of the applicant
 2. The permanent home address and full local address of the applicant

3. A brief description of the nature of the business and goods to be sold
 4. If employed, the address and name of the employer, together with credentials establishing the exact relationship.
 5. The place where commodity is proposed to be solicited and the proposed method of delivery.
 6. The names of at least three reliable property owners of the City of Amsterdam New York who will certify as to the applicant's good character and business responsibility or in lieu of three of references, compliance with Subsection B of this section. Subsection B may be required by the City Clerk in certain circumstances along with three references.
 7. A statement as to whether or not the applicant has been convicted of any crime, misdemeanor or violation of any municipal ordinance, the nature of the offense and the punishment or penalty assessed therefore.
 8. A statement by a reputable physician of the City of Amsterdam dated not more than 10 days prior to submission of the application, certifying the applicant to be free of contagious, infectious or communicable disease.
- B. Applicants must provide proof from the City of Amsterdam Police Department that applicant has had photograph and fingerprinting done in the Amsterdam Police Department at least 10 days prior to application. Photograph of the applicant taken shall be two inches by two inches (2"x2") showing the head and shoulders of the applicant in a clear and distinguishing manner, and such other available evidence as to the good character and business responsibility of the applicant as will enable an investigator to properly evaluate such character and business responsibility.
- C. At the time of filing of the application, a fee of \$5 \$10 shall be paid to the Clerk of Clerk to cover the cost of investigation of the facts stated therein.

§171.37 Investigation and issuance of license

- A. Upon receipt of such application, the one copy shall be referred to the Chief of Police who shall cause such investigation of the applicant's business and moral character to be made as he deems necessary for the protection of the public good. Copy shall then be retained by the Police Department for filing.
- B. If as a result of such investigation the applicant's character or business responsibility is found to be unsatisfactory, the Chief of Police shall endorse on Department letterhead his disapproval of the application and his reasons for the same and forward to the City Clerk who shall notify the applicant that his application is disapproved and that no permit and license will be issued.
- C. If as a result of such investigation the character and business responsibility of the applicant are found to be satisfactory, the Chief of Police shall endorse on Department letterhead his approval to execute a permit addressed to the applicant for the carrying on of the business applied for to the City Clerk who shall, upon payment of the prescribed license fee, deliver to the applicant his permit and issue a license. Such license shall contain the signature and seal of the issuing officer and show the name, address and photograph of said licensee, the class of license issued and the kind of goods to be sold, the amount of fee paid, the date of issuance and the length of time the same shall be operative, as well as the license number and other identifying description of any vehicle used in such peddling. The Clerk shall keep a permanent record of all licenses issued.

§171-38 Fees

- A. The permit fee charged by the City Clerk shall be an annual fee in the sum of \$250. The annual application fee shall authorize one commercial solicitor to operate within the City

of Amsterdam. Additional applicants shall pay a sum of \$25 to solicit within the City for and on behalf of applicant.

- B. No more than six applicants representing the same company shall be allowed to solicit at any one time.
- C. No fee shall be required of one selling products of the farm or orchard actually produced by the seller or one subject to the provisions of Article 4 of General Business Law of the State of New York or of milk peddlers.
- D. Annual license fee shall not be prorated and all licenses will expire on December 31 of each calendar year.

§171-39 Bond

Such applicant as defined in §171-35 of this article, shall file, with application for permit, a Surety bond in the sum of \$5,000 per individual or \$5,000 per company and \$1,000 for each individual applicant of said company.

§171-40 Issuance of identifying material

Applicants and persons soliciting or selling for and on behalf of the applicant are required to exhibit the identification material at all time provided by the City Clerk following approval by the Chief of Police.

- A. Material shall include, but not be limited to:
 - 1. Identification cards or badges which shall be prominently displayed on person while soliciting or canvassing.
 - 2. Placard for automobile(s) used in solicitation identifying company. All license plate numbers of vehicles that will be used by licensed solicitors/canvassors must be registered with the City Clerk.

§171-41 Transfer of license

- A. No license or badge issued under the provisions of this article shall be used or worn at any time by any person other than the one to whom it was issued. If any solicitors are to be replaced by another individual, that individual shall apply for a permit as stated in §171-19. All material provided to the solicitor being replaced must be turned in to the office of the City Clerk before the new license will be issued.

§171-42 Audible advertising

No licensee shall use or operate any loudspeaker, public address system, radio, sound amplifier or similar device to attract the attention of the public.

§171-43 Use of streets.

No licensee shall have any exclusive right to any location within the municipal limits of the City of Amsterdam nor shall any be permitted a stationary location nor shall he be permitted to operate in any congested area where his operation might impede or inconvenience the public. For the purpose of this article, the judgment of a police officer, exercised in good faith, shall be deemed conclusive as to whether the area is congested or the public impeded or inconvenienced.

No licensee shall solicit within 1,000 feet of the grounds of any elementary or secondary school between ½ hour prior to the start of the school day or ½ hour after dismissal at the end of the school day.

§171-44 Limitations and Restrictions

- A. No licensee shall enter any house, building or premises where there is posted on the front of the house, building or premises a written notice stating that vendors are not desired, unless the solicitor has received the prior consent of the occupant.
- B. No solicitor shall seek admission or entrance to any premises before 10:00 a.m. or after sunset.
- C. No solicitor shall make false statements or misrepresentations in the course of his activities. The solicitor shall conduct himself at all times in an orderly and lawful manner.
- D. City residents who do not wish to be contacted by solicitors may register with the City Clerk annually. The Clerk shall maintain a “Do Not Solicit” list consisting of those residents who wish to be included on the “Do Not Solicit” list. Applicants will be provided with a copy of the list at the time permits are issued and shall be responsible to ensure that the list be in their possession at all times. No solicitor shall contact any person who has registered with the Clerk. It shall be the duty of the applicant to ensure compliance with this restriction.

§171-45 Public Knowledge

Each applicant (a company who employs more than one individual shall be considered the applicant in this case) shall provide to the City of Amsterdam’s official newspaper, local radio stations and to the City of Amsterdam for inclusion on the City’s website, all information pertinent to their solicitation so as to provide the public a full knowledge of such solicitation or selling. Such notification shall be done no less than five days prior to the start to solicitation.

§171-46 Enforcement

It shall be the duty of any police officer of the City of Amsterdam to require any person seen peddling and who is not known by such officer to be a duly licensed solicitor to produce such license and to enforce the provisions of this article against any person found to be violating the same.

The Chief of Police shall report to the City Clerk all convictions for violations of this article and the City Clerk shall maintain a record of each license issued and record the reports of violations.

§171-47 Revocation of license

- A. Permits and licenses issued under the provisions of this article may be revoked by the City of Amsterdam after notice and hearing for any of the following causes:
 - 1. Fraud, misrepresentation or false statement contained in the application.
 - 2. Fraud, misrepresentation or false statement made in the course of carrying on his business as a solicitor.
 - 3. Any violation of this article.
 - 4. Conviction of any crime or misdemeanor involving moral turpitude
 - 5. Conducting the business of peddling in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public.

B. Notice of the hearing for revocation of a license shall be given in writing set forth specifically the grounds of complaint and the time and place of hearing. Such notice shall be mailed, postage paid to the licensee at his last known address at least five days prior to the date set for hearing.

§171-48 Appeals

Any person aggrieved by the action of the Chief of Police or the City Clerk in the denial of an application for a permit or license as provided in §171-20 of this article or in the decision with reference to revocation of a license as provided in §171-29 of this article shall have the right to appeal to the City of Amsterdam Common Council. Such appeal shall be taken by filing with the Council within 14 days after notice of the action complained of has been mailed to such person's last known address, a written statement setting forth fully the grounds for the appeal. The Council shall set a time and place for a hearing on such appeal and notice of such hearing shall be given to the appellant in the same manner as provided in §171-29B of this article for notice of hearing on revocation. The decision and order of the Council on such appeal shall be final and conclusive.

§171-49 Penalties for offenses

Any person violating any of the provisions of this article shall, upon conviction thereof, be punished by a fine of not more than \$5,000, by imprisonment not to exceed 90 days or by both such fine and imprisonment.

§171-50 Effective Date

This local law shall take effect upon filing with the Secretary of State.

COMMON COUNCIL
City of Amsterdam, NY

	Aye	Nay
Alderman Isabel		
Alderwoman Pierce		
Alderwoman DeRossi		
Alderman Wills		
Alderman Leggiero		

ANN M. THANE, MAYOR

Dated _____, 2011