

CITY OF AMSTERDAM, NY  
COMMON COUNCIL  
OCTOBER 18, 2016

RESOLUTION #16/17-69

RESOLUTION ADOPTING MINUTES OF THE LAST COMMON COUNCIL MEETING

BY: ALDERMAN RUSSO

RESOLVED, the minutes of the Common Council Regular Meeting of October 4, 2016 are hereby adopted.

RESOLUTION ADOPTED UNANIMOUSLY.

Common Council  
City of Amsterdam, NY

	Aye	Nay
Alderman Russo	√	
Alderman Ochal	√	
Alderman Majewski	√	
Alderman Wojnar	√	
Alderman Martuscello	√	

  
MICHAEL J. VILLA, MAYOR

DATED: 10/20, 2016

This is to certify that I, Susan Alibozek, City Clerk of the City of Amsterdam, County of Montgomery, State of New York, that the above is the original Resolution, passed by the City of Amsterdam Common Council on October 18, 2016 a majority of all members elected to the Council voting in favor.

I have set my hand and the official seal of the City of Amsterdam this 19<sup>th</sup> day of October 2016.

  
CITY CLERK

CITY SEAL

Received & Filed in the Office of the City Clerk: 10/20/16

Received by: SA

CITY OF AMSTERDAM, NY  
COMMON COUNCIL  
OCTOBER 18, 2016

RESOLUTION #16/17-70

RESOLUTION AMENDING BUDGET - ASBESTOS

BY: ALDERMAN MARTUSCELLO

RESOLVED, the Controller is authorized to amend the 2016-2017 budget to cover expenses for asbestos training, licenses and physicals for city employees as follows:

DECREASE EXPENSE:

A-5110-2011                      Used Vehicles                      \$2,200 (bal. \$9,631.60)

INCREASE EXPENSE:

A-5110-4000                      Contractual                      \$2,200

RESOLUTION ADOPTED UNANIMOUSLY.

Common Council  
City of Amsterdam, NY

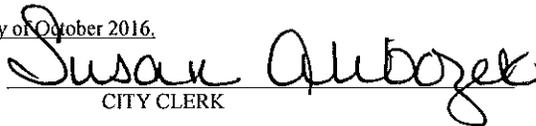
	Aye	Nay
Alderman Russo	√	
Alderman Ochal	√	
Alderman Majewski	√	
Alderman Wojnar	√	
Alderman Martuscello	√	

  
MICHAEL J. VILLA, MAYOR

DATED: 10/20, 2016

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CITY CLERK

CITY SEAL  
Received & Filed in the Office of the City Clerk: 10/20/16

Received by: 

**CITY OF AMSTERDAM, NY  
COMMON COUNCIL  
OCTOBER 18, 2016**

**RESOLUTION #16/17-71**

**RESOLUTION AMENDING BUDGET - CODES**

**BY: ALDERMAN MAJEWSKI**

**RESOLVED**, the Controller is authorized to amend the 2016-2017 budget to cover difference in salary for code enforcement officer from grade 14 to grade 16 as follows:

**DECREASE EXPENSE:**

A-1990-4036	Contingency	\$750 (bal. \$100,607.04)
G-8110-4036	Contingency	\$750 (bal. \$86,970.00)
F-1990-4036	Contingency	\$750 (bal. \$81,820.00)
CL-8160-4036	Contingency	\$750 (bal. \$10,560.00)

**INCREASE EXPENSE:**

A-3620-1000	Personnel	\$750
G-8130-1020.17	Personnel	\$750
F-8310-1000.17	Personnel	\$750
CL-8160-1021.17	Personnel	\$750

**MOTION TO TABLE** by Alderman Majewski passed with Aye. Alderman Russo voted nay. (10/18/16)

Common Council  
City of Amsterdam, NY

	Aye	Nay
Alderman Russo		
Alderman Ochal		
Alderman Majewski		
Alderman Wojnar		
Alderman Martuscello		

\_\_\_\_\_  
MICHAEL J. VILLA, MAYOR

DATED: \_\_\_\_\_, 2016

CITY OF AMSTERDAM, NY  
COMMON COUNCIL  
OCTOBER 18, 2016

RESOLUTION #16/17-72

RESOLUTION ADOPTING ZERO TOLERANCE DRUG AND ALCOHOL TESTING  
POLICY

BY: MAYOR VILLA

WHEREAS, in order to be compliant with the New York State Department of Transportation, the City of Amsterdam needs to adopt a revised city policy on drug and alcohol testing, and

WHEREAS, the city has not been in compliance with this since a 2013 audit and to avoid further action this policy along with numerous other data needs to be submitted by October 31, 2016, and

WHEREAS, following adoption all city employees will receive a copy and be mandated to sign acknowledgement of receipt,

RESOLVED, the Common Council hereby adopts the attached Zero Tolerance Drug and Alcohol Testing Policy.

RESOLUTION ADOPTED UNANIMOUSLY.

Common Council  
City of Amsterdam, NY

	Aye	Nay
Alderman Russo	√	
Alderman Ochal	√	
Alderman Majewski	√	
Alderman Wojnar	√	
Alderman Martuscello	√	

  
MICHAEL J. VILLA, MAYOR

DATED: 10/20, 2016

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CITY OF AMSTERDAM, NY  
COMMON COUNCIL  
OCTOBER 18, 2016

RESOLUTION #16/17-73

RESOLUTION AMENDING BUDGET - GOLF

BY: ALDERMAN WOJNAR

RESOLVED, the Controller is authorized to amend the 2016-2017 budget to cover cost associated with paying golf pro fee for shotgun start golf tournament services as follows:

DECREASE EXPENSE:

CR-7180-4036                      Contingency                      \$1,420

INCREASE EXPENSE:

CR-7180-4101                      Golf Pro Contract                      \$1,420

RESOLUTION ADOPTED UNANIMOUSLY.

Common Council  
City of Amsterdam, NY

	Aye	Nay
Alderman Russo	√	
Alderman Ochal	√	
Alderman Majewski	√	
Alderman Wojnar	√	
Alderman Martuscello	√	

  
MICHAEL J. VILLA, MAYOR

DATED: 10/20, 2016

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CITY OF AMSTERDAM, NY  
COMMON COUNCIL  
OCTOBER 18, 2016

RESOLUTION #16/17-74

RESOLUTION AMENDING BUDGET - AUDIT

BY: ALDERMAN MARTUSCELLO

**RESOLVED**, the Controller is authorized to amend the 2016-2017 budget to cover the cost of work done by Municipal Solutions for BANS and Bonds as well as debt schedules for the 2013-2014 and 2014-2015 AUD's and the 2013-2014 audit as follows:

**DECREASE EXPENSE:**

A-1990-4036	Contingency	\$5,600	(bal. \$100,607.04)
F-1990-4036	Contingency	\$2,000	(\$66,970.00)
G-8110-4036	Contingency	\$1,700	(bal. \$51,820.00)
CL-8160-4036	Contingency	\$ 700	(bal. \$10,560.00)

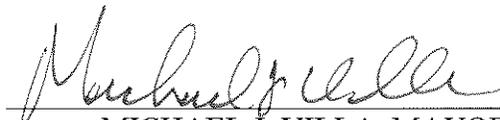
**INCREASE EXPENSE:**

A-1989.4035	Bond & Note	\$5,600
F-8310-4035	Bond & Note	\$2,000
G-8110-4035	Bond & Note	\$1,700
CL-8160-4035	Bond & Note	\$ 700

**RESOLUTION ADOPTED UNANIMOUSLY.**

Common Council  
City of Amsterdam, NY

	Aye	Nay
Alderman Russo	√	
Alderman Ochal	√	
Alderman Majewski	√	
Alderman Wojnar	√	
Alderman Martuscello	√	

  
MICHAEL J. VILLA, MAYOR

DATED: 10/20, 2016

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CITY OF AMSTERDAM, NY  
COMMON COUNCIL  
OCTOBER 18, 2016

RESOLUTION #16/17-75

RESOLUTION APPROVING SALE OF CITY-OWNED PROPERTY

BY: MAYOR VILLA

WHEREAS, bids were advertise for and received for various properties take by the city through foreclosure, and

WHEREAS, Property Disposition Committee met to review and discuss acceptance of said bids,

RESOLVED, the properties below are hereby approved for sale at the bids listed.

<u>SBL#</u>	<u>Address</u>	<u>Sold to</u>	<u>\$ Sold</u>
56.9-2-24	13 Edward St	Raymond Sefrin	\$3,500.00
56.9-1-49	1 James St	Michael Kordyjak & Richard Mucilli	\$15,000.00
55.28-1-20	7 Elizabeth St	John Kicinski	\$2,000.00
39.74-2-40	11 Brandt Pl	Edward Delli Veneri	\$551.51
39.73-2-54	241 W Main Stt	Richard J. DiMatteo	\$600.00
39.83-6-27	23 Union St	Arlene Bronski	\$400.00
55.10-2-2	307 Florida Ave	David N. Nelson	\$2,500.00

RESOLUTION ADOPTED UNANIMOUSLY.

Common Council  
City of Amsterdam, NY

	Aye	Nay
Alderman Russo	√	
Alderman Ochal	√	
Alderman Majewski	√	
Alderman Wojnar	√	
Alderman Martuscello	√	

  
MICHAEL J. VILLA, MAYOR

DATED: 10/20, 2016

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**CITY OF AMSTERDAM, NY  
COMMON COUNCIL  
OCTOBER 18, 2016**

**RESOLUTION #16/17-76**

**BOND RESOLUTION DATED OCTOBER 18, 2016.**

**A RESOLUTION AUTHORIZING THE ISSUANCE OF \$672,000 BONDS OF THE CITY OF AMSTERDAM, MONTGOMERY COUNTY, NEW YORK, TO PAY THE COST OF STREET IMPROVEMENTS, IN AND FOR SAID CITY.**

**BY: ALDERMAN MARTUSCELLO**

WHEREAS, all conditions precedent to the financing of the capital purposes hereinafter described, including compliance with the provisions of the State Environmental Quality Review Act to the extent required, have been performed; and

WHEREAS, it is now desired to authorize the financing of such capital project;

**RESOLVED**, by the Common Council of the City of Amsterdam, Montgomery County, New York, as follows:

Section 1. For the class of objects or purposes of paying the cost of street improvements, in and for the City of Amsterdam, Montgomery County, New York, including incidental expenses in connection therewith, there are hereby authorized to be issued \$672,000 bonds of the City of Amsterdam, Montgomery County, New York, pursuant to the provisions of the Local Finance Law.

Section 2. It is hereby determined that the maximum estimated cost of the aforesaid class of objects or purposes is \$672,000, and that the plan for the financing thereof is by the issuance of the \$672,000 bonds of said City authorized to be issued pursuant to this bond resolution, provided, however, that any grant moneys received for the aforesaid class of objects or purposes shall be used to reduce the amount of bonds to be issued. The City presently expects a grant from New York State under the CHIPS program in an amount sufficient to pay the estimated maximum cost.

Section 3. It is hereby further determined that the period of probable usefulness of the aforesaid class of objects or purposes is fifteen years, pursuant to subdivision 20 of paragraph a of Section 11.00 of the Local Finance Law. The maximum maturity of the bonds authorized, however, shall be limited to five years.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the City Controller, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said City Controller, consistent with the provisions of the Local Finance Law.

Section 5. The faith and credit of said City of Amsterdam, Montgomery County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. There shall annually be levied on all the taxable real property of said City, a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

Section 6. Such bonds shall be in fully registered form and shall be signed in the name of the City of Amsterdam, Montgomery County, New York, by the manual or facsimile signature the City Controller and a facsimile of its corporate seal shall be imprinted or impressed thereon and may be attested by the manual or facsimile signature of the City Clerk.

Section 7. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the City Controller, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as he shall deem best for the interests of the City, provided, however, that in the exercise of these delegated powers, he shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the City Controller shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 8. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining annual debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the City by the facsimile signature of the City Controller, providing for the manual countersignature of a fiscal agent or of a designated official of the City), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the City Controller. It is hereby determined that it is to the financial advantage of the City not to impose and collect from registered owners of such bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. Such bonds shall contain substantially the recital of validity clause provided for in section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by section 52.00 of the Local Finance Law, as the City Controller shall determine.

Section 9. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 10. The validity of such bonds and bond anticipation notes may be contested only if:

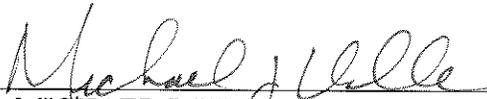
- 1) Such obligations are authorized for an object or purpose for which said City is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 11. This resolution shall take effect immediately upon its passage and the approval thereof by the Mayor, pursuant to Section C34 of the Charter of the City, and shall then be published in full in The Recorder, the official newspaper, together with a notice of the City Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

**RESOLUTION ADOPTED UNANIMOUSLY.**

Common Council  
City of Amsterdam, NY

	Aye	Nay
Alderman Russo	√	
Alderman Ochal	√	
Alderman Majewski	√	
Alderman Wojnar	√	
Alderman Martuscello	√	

  
MICHAEL J. VILLA, MAYOR

DATED: 10/20, 2016

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CITY CLERK

CITY SEAL

Received & Filed in the Office of the City Clerk: 10/20/16

Received by: 

CITY OF AMSTERDAM, NY  
COMMON COUNCIL  
OCTOBER 4, 2016

RESOLUTION #16/17-77

RESOLUTION AUTHORIZING AGREEMENT TIME WARNER (DPW)

BY: MAYOR VILLA

RESOLVED, the Mayor is authorized to sign an agreement with Time Warner for internet services at the DPW garage per the attached.

RESOLUTION ADOPTED UNANIMOUSLY.

Common Council  
City of Amsterdam, NY

	Aye	Nay
Alderman Russo	√	
Alderman Ochal	√	
Alderman Majewski	√	
Alderman Wojnar	√	
Alderman Martuscello	√	

  
MICHAEL J. VILLA, MAYOR

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Received & Filed in the Office of the City Clerk: 10/20/16

Received by SA

# Business Class Phone Services



## LETTER OF AGENCY

Customer Billing Information			
Company Name			
Street			
City	State	ZIP Code	
By initialing the following items, I designate Time Warner Cable to be the service provider for the telephone numbers listed on the attached Service Order.			
Initials	<input type="checkbox"/>	I choose Time Warner Cable to provide local telephone service for the telephone number(s) listed on the attached Service Order	
	<input type="checkbox"/>	I choose Time Warner Cable to provide domestic and international long distance service for the telephone number(s) on the attached Service Order	

### ACCEPTANCE

I am at least 18 years of age and I am authorized to designate the provider for these services and telephone number(s). I understand that I may choose only one provider for each telephone service and number identified herein. By signing my name below, I acknowledge that I have read and understand these statements, confirm that this information is correct as of this date, and authorize Time Warner Cable to act as my agent for these preferred carrier designations.

AUTHORIZED SIGNATURE FOR CUSTOMER	
Authorized Signature for Customer	<i>Michael J. Villa</i>
Printed Name and Title	Michael J. Villa, Mayor
Date Signed	10/19/16

## TOLL FREE LETTER OF AGENCY

Customer Billing Information	Company Name		
	Street		
	City	State	ZIP Code
	Account Number		
	Toll Free Account Number		
	Current Carrier		
	Toll Free Telephone Numbers		

Authorized Service Contact Information	Contact Name
	Phone
	Billing Contact
	Phone

I am at least 18 years of age and I am authorized to designate the provider for the services and telephone number(s) identified above. I understand that I may choose only one provider for each telephone service and number identified herein. By signing my name below, I acknowledge that I have read and understand these statements and authorize Time Warner Cable to act as my agent for these provider designations.

AUTHORIZED SIGNATURE FOR CUSTOMER	
Authorized Signature for Customer	
Printed Name	
Date	

### Notice and Acknowledgement Regarding E911

Time Warner Cable Business Class Phone voice-enabled customer premise equipment is electrically powered and, in the event of a power outage or Time Warner Cable network failure, Enhanced 9-1-1 ("E911") services may be unavailable.

The Time Warner Cable Business Class Services Agreement prohibits moving Time Warner Cable voice-enabled customer premise equipment to a new service address. Customer understands and acknowledges that if the equipment is moved to another location, E911 services may not operate properly and emergency operators may be unable to accurately identify the caller's address in an emergency. The E911 location specified on any Time Warner Cable Business Class Service Order will be provided to emergency operators for emergency calls made from the telephone numbers associated with that Service Order. To move the service to another location, you must call Time Warner Cable.

Customer agrees to specifically advise each end user of its Time Warner Cable Business Class Phone service, prominently and using the language provided above, of the circumstances under which E911 service may not be available through Time Warner Cable Business Class Phone or Trunk service and to distribute Safety Stickers, to be supplied by Time Warner Cable, to all end users of the Time Warner Cable Business Class Phone service and instruct each end user to place a Safety Sticker on or near any telephone or other equipment used in conjunction with the service.

Customer must ensure that all alarm, security, medical and/or other monitoring systems and services are tested to validate proper operation after Business Class Phone service is installed.

By signing my name below, I acknowledge that I have received and understand this Notice and Acknowledgement and agree to the obligations described above.

Authorized Signature for Customer	<i>Michael J. Villa</i>	Printed Name	Michael J. Villa
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CITY OF AMSTERDAM, NY  
COMMON COUNCIL  
OCTOBER 4, 2016

RESOLUTION #16/17-78

RESOLUTION AUTHORIZING ASSESSOR TO CLASSIFY PROPERTIES WHOLLY  
TAX EXEMPT

BY: MAYOR VILLA

RESOLVED, the Assessor is hereby directed to assess the following as wholly tax  
exempt for the tax years 2015-2016; 2016-2017; and 2017-201, and

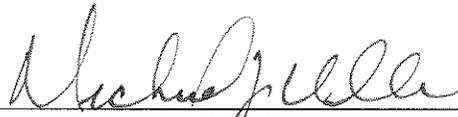
FURTHER RESOLVED, authorization will dispose of litigation 2015-269 Guang Huan  
Mi Zong Inc. against Calvin Cline, etal.

271 E Main St. SBL# 56.45-3-26  
273 E Main St. SBL 56.45-3-25  
279 E Main St. SBL# 56.45-3-19  
6 Swan St. SBL# 56.45-3-68

RESOLUTION ADOPTED UNANIMOUSLY.

Common Council  
City of Amsterdam, NY

	Aye	Nay
Alderman Russo	√	
Alderman Ochal	√	
Alderman Majewski	√	
Alderman Wojnar	√	
Alderman Martuscello	√	



MICHAEL J. VILLA, MAYOR

DATED: 10/20, 2016

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CITY CLERK

CITY SEAL

Received & Filed in the Office of the City Clerk: 10/20/16

Received by: SA

CITY OF AMSTERDAM, NY  
COMMON COUNCIL  
OCTOBER 18, 2016

RESOLUTION #16/17-79

RESOLUTION APPROVING AUDIT

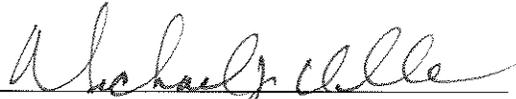
BY: ALDERMAN RUSSO

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.

RESOLUTION ADOPTED UNANIMOUSLY.

Common Council  
City of Amsterdam, NY

	Aye	Nay
Alderman Russo	√	
Alderman Ochal	√	
Alderman Majewski	√	
Alderman Wojnar	√	
Alderman Martuscello	√	

  
MICHAEL J. VILLA, MAYOR

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CITY OF AMSTERDAM, NY  
COMMON COUNCIL  
OCTOBER 18, 2016

**RESOLUTION #16/17-80(consent)**  
**RESOLUTION IN SUPPORT OF AN APPLICATION THROUGH THE ERIE CANALWAY NATIONAL HERITAGE CORRIDOR ERIE CANALWAY GRANT PROGRAM FOR THE CHUCTANUNDA CREEK TRAIL PROJECT**

**BY: MAYOR VILLA**

**WHEREAS**, the City of Amsterdam has an interest in preserving its historic and cultural resources; and

**WHEREAS**, the City of Amsterdam recognizes that capitalizing on its natural resources and developing recreational opportunities will assist in the renewal of the City while strengthening the local economy, promoting tourism, and increasing the quality of life for residents; and

**WHEREAS**, the City of Amsterdam desires to apply to the Erie Canalway National Heritage Corridor's Erie Canalway Grant Program to formalize the Chuctanunda Creek Trail with the installation of interpretive signage; and

**WHEREAS**, the funding is for up to \$7,000 and is fully reimbursable upon completion of the project; and

**WHEREAS**, a 50% minimum match commitment is required, with the City of Amsterdam and Montgomery County supplying the matching funds in the form of in-kind services; and

**WHEREAS**, the administration of any grant will be completed by the Montgomery County Business Development Center, 9 Park Street, PO Box 1500, Fonda, New York, 12068,

**RESOLVED**, the City of Amsterdam Common Council, acting as governing authority of the City of Amsterdam hereby supports the efforts of the City of Amsterdam's application submission for the 2016 Erie Canalway Grant Program.

**RESOLUTION ADOPTED UNANIMOUSLY.**

Common Council  
City of Amsterdam, NY

	Aye	Nay
Alderman Russo	√	
Alderman Ochal	√	
Alderman Majewski	√	
Alderman Wojnar	√	
Alderman Martuscello	√	

  
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COMMON COUNCIL  
OCTOBER 18, 2016

RESOLUTION #16/17-81(consent)

RESOLUTION IN SUPPORT OF THE MATCHING FUNDS REQUIREMENT FOR  
THE PRESERVATION LEAGUE OF NEW YORK STATE'S DONALD STEPHEN  
GRATZ PRESERVATION SERVICES FUND FOR THE POWERHOUSE BUILDING  
STUDY

BY: MAYOR VILLA

WHEREAS, the City of Amsterdam is dedicated to the preservation and promotion of its heritage and historical assets; and

WHEREAS, the City of Amsterdam has been awarded a grant through the Preservation League of New York State for a study and assessment of the Powerhouse building to be included as a point of interest along the Chuctanunda Creek Trail; and

WHEREAS, the funding is for up to \$8,900 with the City of Amsterdam supplying the required \$500 in matching funds; and

WHEREAS, the administration of any grant will be completed by the Montgomery County Business Development Center, 9 Park Street, PO Box 1500, Fonda, New York, 12068

RESOLVED, the City of Amsterdam Common Council, acting as governing authority of the City of Amsterdam hereby supports the matching funds requirement for the 2016 Preservation League of New York State's Donald Stephen Gratz Preservation Services Fund grant program.

RESOLUTION ADOPTED UNANIMOUSLY.

Common Council  
City of Amsterdam, NY

	Aye	Nay
Alderman Russo	√	
Alderman Ochal	√	
Alderman Majewski	√	
Alderman Wojnar	√	
Alderman Martuscello	√	

  
MICHAEL J. VILLA, MAYOR

DATED: 10/20, 2016

This is to certify that I, Susan Alibozek, City Clerk of the City of Amsterdam, County of Montgomery, State of New York, that the above is the original Resolution, passed by the City of Amsterdam Common Council on October 18, 2016 a majority of all members elected to the Council voting in favor.

I have set my hand and the official seal of the City of Amsterdam this 19<sup>th</sup> day of October 2016.

  
CITY CLERK

CITY SEAL

Received & Filed in the Office of the City Clerk: 10/20/16

Received by: 

CITY OF AMSTERDAM, NY  
COMMON COUNCIL  
OCTOBER 18, 2016

RESOLUTION #16/17-82(consent)

RESOLUTION AMENDING BUDGET – ENGINEERING

BY: ALDERMAN RUSSO

RESOLVED, the Controller is authorized to amend the 2016-2017 budget to cover installation of water main on Francisco Road, as follows:

DECREASE EXPENSE:

F-1990-4036	Contingency	\$29,190
F-8340-4042	Rep. Parts	\$10,000

INCREASE EXPENSE:

F-8340-4000	Contractual	\$39,190
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RESOLUTION ADOPTED UNANIMOUSLY.

Common Council  
City of Amsterdam, NY

	Aye	Nay
Alderman Russo	√	
Alderman Ochal	√	
Alderman Majewski	√	
Alderman Wojnar	√	
Alderman Martuscello	√	

  
MICHAEL J. VILLA, MAYOR

DATED: 10/20, 2016

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Received & Filed in the Office of the City Clerk: 10/20/16

Received by: SA

CITY OF AMSTERDAM, NY  
COMMON COUNCIL  
OCTOBER 18, 2016

RESOLUTION #16/17-83(consent)

RESOLUTION CONVEYING PROPERTY TO KEY BANK – 370-372 LOCUST AVE.

BY: ALDERMAN RUSSO

WHEREAS, property identified as SBL#40.9-2-19 located at 370-372 Locust Avenue was taken by the City under foreclosure, and

WHEREAS, under Charter Section 133, Disposition of Real Property, the Common Council may dispose of property by private sale if it deems to be in the best interest of the city,

RESOLVED, property located at 370-372 Locust Avenue is hereby conveyed to Key Bank for back taxes plus buyers premium, and as well as filing fees incurred by the City

FURTHER RESOLVED, payment in full shall be made within 10 days from the date of this resolution in certified funds.

RESOLUTION ADOPTED UNANIMOUSLY.

Common Council  
City of Amsterdam, NY

	Aye	Nay
Alderman Russo	√	
Alderman Ochal	√	
Alderman Majewski	√	
Alderman Wojnar	√	
Alderman Martuscello	√	

  
MICHAEL J. VILEA, MAYOR

DATED: 10/20, 2016

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Received & Filed in the Office of the City Clerk: 10/20/16

Received by: SA

**CITY OF AMSTERDAM, NY  
COMMON COUNCIL  
OCTOBER 4, 2016**

**ORDINANCE 2016-10**

**ORDINANCE ESTABLISHING CHAPTER 175 – YARD AND GARAGE SALES**

**BY: ALDERMAN RUSSO**

WHEREAS, it has recommended that establishment of Chapter 175 of the Code of the City of Amsterdam, in Common Council convened, does hereby:

**ORDAIN AND ENACT** as follows:

**CHAPTER 175 YARD/GARAGE SALES**

**§175-1 Legislative authority and intent**

The intrusion of unregulated yard/garage sales can cause annoyance to the citizens and businesses in the City of Amsterdam and congestion of the streets. The provisions contained in this chapter are intended to prohibit the conducting of a business in any zoned residential area or residential premises by regulating the terms and frequency of yard/garage sales so as not to disturb or disrupt the residential environment of the area.

The provisions herein are intended to regulate garage/yard sales in the City of Amsterdam by

- a. They do not become more than temporary casual events in any zoned residential area of residential premises;
- b. To prevent them from disturbing or disrupting the quality of life, neighborhood appearance, and environment enjoyed by citizens;
- c. To preserve the safety and welfare of citizens, and
- d. To protect property values.

The provisions and prohibitions herein are enacted to regulate, not prevent, casual garage/yard sales by residents wishing to dispose of their unwanted personal household items.

**§175-2 Definitions**

For the purpose of this article, the following terms, phrases and their derivations shall have the meanings given herein:

**Yard/Garage Sale**

Includes all general sales, open to the public, conducted from or on a residential premises or in any residential zone, for the purpose of disposing of personal property or other property, including but not limited to all sales entitled “garage”, “lawn”, “yard”, “attic”, “porch”, “room”, “backyard”, “patio”, “flea market” “estate” or “rummage sale”.

**Personal Property**

Property which is owned, utilized and maintained by an individual or members of his or her residence and acquired in the normal course of living in or maintaining a residence. It does not include merchandise which was purchased for resale or obtained on consignment.

**Residential Premises**

A lot on which a building is located which has a certificate of occupancy for a residential occupancy classification only as the same as defined by the State Fire Prevention and Building Code, or any vacant lot which abuts a residential premises and owned by the same.

**§175-3 Number and Frequency of Sales**

- A. No more than three such sales shall be conducted at the same premises or by the same person in any one calendar year. There shall be at least 30 days between sales. Such sale shall not be conducted for longer than three consecutive days.
- B. All such sales held pursuant to these provisions shall be limited to the hours of 8:00 am and 6:00 p.m.

**§175-4 Registration Requirements**

- A. No sale shall be conducted unless and until the individuals desiring to conduct such sale shall register with the City Clerk's office not less than 48 hours before the proposed start of the sale via email, telephone or in person and provide the following information:
  - a. The full name and address of the applicant
  - b. The date or dates upon which the proposed garage sale is to be held
  - c. The location at which the proposed sale is to be held.
  - d. The date or dates of any other sales held at the proposed location within the current calendar year, if known.
  - e. An affirmation statement that the items to be sold are owned by the applicant as personal property and are neither acquired nor consigned for the purpose of resale.
- B. There shall be no charge for registration of a yard/garage sale.

**§175-5 Investigation to Determine Compliance**

- A. The City Clerk may request the Police, Fire or Codes Department or any other official designated by the City ordinance to conduct an investigation as may reasonably be necessary to determine if there is compliance with this article and may close the premises from such sale or issue an appearance ticket or in the case of a police officer, arrest any individual who violates the provisions of this article.

**§175-6 Responsibilities of Person Conducting Sale**

- A. The individual conducting sale and the owner or tenant of the premises on which such sale or activity is conducted shall be jointly and severally responsible for the maintenance of good order and decorum on the premises during all hours of sale or activity. No such individual shall permit any loud or boisterous conduct on said premises no permit vehicles to impede the passage of traffic on any roads or streets in the area of such premises. All such individuals shall obey the reasonable orders of any member of the Police or Fire Department of the City in order to maintain the public health, safety, and welfare.
- B. Personal property offered for sale may be displayed within the residence, garage, carport or yard but only in such areas. No personal property offered for sale shall be displayed in any public right-of-way. . At the end of the last day of a sale, all items for sale must be cleared from the front of the property and stored out of sight from the road or neighboring properties.

**§175-7 Signs**

- A. Only the following specified signs may be displayed in relation to a pending sale:
  - a. Two signs of not more than four square feet each are permitted to be displayed on the property of the residence where the garage sale is being conducted.
  - b. Four directional signs of not more than two square feet each are permitted, provided that the premises upon which the sale is conducted is not on a major thoroughfare and written permission to erect the signs is received from the property owner upon whose property such signs are to be posted.
  - c. No sign or other form of advertising shall be exhibited for more than two days prior to the day the sale is to commence.
  - d. Signs must be removed at the close of garage sale activities.
  - e. No signs or other display advertising the sale shall be attached, placed, painted or pasted upon any public lamppost, electric, telegraph or telephone pole, shade tree, fire hydrant or any sidewalk, curbstone, flagstone or crosswalk.

**§175-8 Parking**

- A. All parking of vehicles shall be conducted in compliance with all applicable laws and ordinances. Further, the Police Department may enforce temporary controls to alleviate any special hazards and/or congestion created by any sale.

**§175-9 Exemptions**

- A. The provisions of this article shall not apply to or affect the following:
  - a. Persons selling goods pursuant to an order or process of a court of competent jurisdiction.
  - b. Personal acting in accordance with their powers and duties as public officials.
  - c. Any sale conducted by any merchant or mercantile or other business establishment from or at a place of business having a certificate of occupancy classification as defined by the State Fire Prevention and Building Code wherein such sale would be permitted by the Zoning Ordinance of the City or under the protection of the nonconforming use section thereof or any other sale conducted by a manufacturer, dealer or vendor and which sale would be conducted from properly zoned mercantile premises and not otherwise prohibited in other ordinances.
  - d. Any bona fide charitable, cultural or governmental institution or organization when the proceeds from the sale are used directly for the institution's or organization's charitable purposes and the goods or articles are not sold on a consignment basis.
  - e. Any sale that is part of a City sanctioned event such as a City-wide yard/garage sale.

**§175-10 Penalties for Offenses**

- A. Any person committing any offense against any provisions of this chapter shall be guilty of a violation shall be fined not less than \$50 nor more than \$250 for each such offense.

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

**ORDINANCE ADOPTED UNANIMOUSLY.**

Common Council  
City of Amsterdam, NY

	Aye	Nay
Alderman Russo	√	
Alderman Ochal	√	
Alderman Majewski	√	
Alderman Wojnar	√	
Alderman Martuscello	√	

  
 MICHAEL J. VILLA, MAYOR

DATED: 10/20, 2016

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