

CITY OF AMSTERDAM, NY
COMMON COUNCIL
OCTOBER 6, 2016

RESOLUTION #16/17-61

RESOLUTION ADOPTING MINUTES OF THE LAST COMMON COUNCIL MEETING

BY: ALDERMAN RUSSO

RESOLVED, the minutes of the Common Council Regular Meeting of September 20, 2016 are hereby adopted.

RESOLUTION ADOPTED. Alderman Majewski was absent.

Common Council
City of Amsterdam, NY

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



MICHAEL J. VILLA, MAYOR

DATED: 10/5, 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 4, 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 5th day of October 2016.



CITY CLERK

CITY SEAL

Received & Filed in the Office of the City Clerk:

10/5/16

Received by: 

CITY OF AMSTERDAM, NY
COMMON COUNCIL
OCTOBER 6, 2016

RESOLUTION #16/17-63

RESOLUTION AMENDING BUDGET – RECREATION

BY: ALDERMAN MAJEWSKI

RESOLVED, the Controller is authorized to amend the 2016-2017 budget for receipt of pool revenue higher than budgeted as follows:

INCREASE REVENUE:

A-2025 Pool Revenue \$2,155

INCREASE EXPENSE:

A-7020-4000 Contractual \$2,155

RESOLUTION ADOPTED. Alderman Majewski was absent.

Common Council
City of Amsterdam, NY

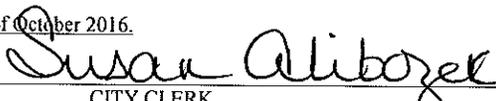
	Aye	Nay
Alderman Russo	√	
Alderman Ochal	√	
Alderman Majewski	Absent	
Alderman Wojnar	√	
Alderman Martuscello	√	


MICHAEL J. VILLA, MAYOR

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Received by: SA

CITY OF AMSTERDAM, NY
COMMON COUNCIL
OCTOBER 6, 2016

RESOLUTION #16/17-64

RESOLUTION APPROVING AMENDMENT OF CONTRACT – PHASE 2 DOVE
CREEK FLOOD CHANNEL IMPROVEMENT PROJECT

BY: ALDERMAN MAJEWSKI

RESOLVED, the Mayor is authorized to sign an approval of an amendment to the contract with John M. McDonald Engineering to continue forward with Phase 2 Engineering Services as per the attached.

RESOLUTION ADOPTED. Alderman Majewski was absent.

Common Council
City of Amsterdam, NY

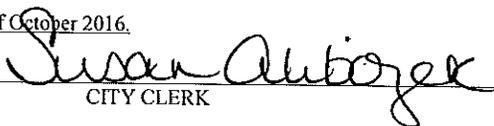
	Aye	Nay
Alderman Russo	√	
Alderman Ochal	√	
Alderman Majewski	Absent	
Alderman Wojnar	√	
Alderman Martuscello	√	


MICHAEL J. VILLA, MAYOR

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CITY OF AMSTERDAM, NY
COMMON COUNCIL
OCTOBER 5, 2016

RESOLUTION #16/17-66

RESOLUTION APPROVING AUDIT

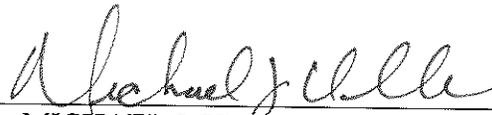
BY: ALDERMAN RUSSO

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. Alderman Majewski was absent.

Common Council
City of Amsterdam, NY

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


MICHAEL J. VILLA, MAYOR

DATED: 10/5, 2016

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Received by: SA

CITY OF AMSTERDAM, NY
COMMON COUNCIL
OCTOBER 5, 2016

RESOLUTION #16/17-67(consent)

RESOLUTION AWARDING BID – DEMOLITION OF CITY OWNED PROPERTY

BY: ALDERMAN MARTUSCELLO

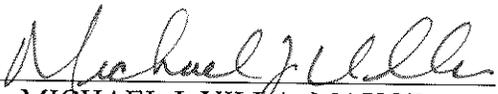
WHEREAS, bids were advertised for, received and opened in public and reviewed by the City Engineer for demolition of City owned properties (5-7 Vedder St., 20 Bayard St, 258 W Main St., 46 Union St., 20 Kimball St, 55-57 Guy Park Avenue, 92 Grove St., 24 James St and 30 Lyon St.),

RESOLVED, Ritter and Paratore, the lowest most responsible bidder, is hereby awarded the bid for demolition of above noted properties for said bid of \$247,138.

RESOLUTION ADOPTED. Alderman Majewski was absent.

Common Council
City of Amsterdam, NY

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


MICHAEL J. VILLA, MAYOR

DATED: 10/5, 2016

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CITY CLERK

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Received & Filed in the Office of the City Clerk: 10/5/16

Received by: 

DEMOLITION

Bid Opening 09/29/16

COMPANY	BID AMOUNT	BOND/CHECK
Ritter & Paratore	\$ 247,138	Bond
Cristo Demolition	\$ 469,000	Bond
Dan's Hauling	\$ 329,700	Bond
Jackson Demolition	\$ 317,800	Bond

CITY OF AMSTERDAM, NY
COMMON COUNCIL
OCTOBER 5, 2016

RESOLUTION #16/17-68(consent)

RESOLUTION IN SUPPORT OF MULTI-CITY CODE ENFORCEMENT
MANAGEMENT AND INFORMATION

BY: MAYOR AND FULL COUNCIL

WHEREAS, the City of Amsterdam along with the Cities of Gloversville and Schenectady are part of a pilot program for sharing information in regards to code enforcement and information, and

WHEREAS, currently there is a gap between the amount of dollars available from the grand and cost associated with Year 1 software and hardware, and

WHEREAS, the amount needed by the City of Amsterdam for the shortfall is \$32,272.80 as its shortfall, and

WHEREAS, each City has agreed to make up the difference within their own city budget for 2017-2018, and

WHEREAS, the City plans to apply for a NYS Department of State's Municipal Restructuring Funds to recoup those funds,

RESOLVED, the Common Council hereby supports application for recouping of funds.

RESOLUTION ADOPTED. Alderman Majewski was absent.

Common Council
City of Amsterdam, NY

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


MICHAEL J. VILLA, MAYOR

DATED: 10/5, 2016

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CITY CLERK

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Received & Filed in the Office of the City Clerk: 10/5/16

Received by: 

CITY OF AMSTERDAM, NY
COMMON COUNCIL
SEPTEMBER 20, 2016

ORDINANCE 2016-9

AN ORDINANCE AMENDING CHAPTER 73; ARTICLE IV - DOGS

BY: ALDERMAN MARTUSCELLO

WHEREAS, it has been recommended that changes be made to Chapter 79, Article IV § 73-18 and §73-19 Dog Licenses of the Code of the City of Amsterdam, in Common Council convened, does hereby:

ORDAIN AND ENACT as follows:

Chapter §73, Article IV, Section 73-19 Penalties for Offenses. In accordance with the provisions of §73-19 the following is hereby added (as indicated below underlined text is added)

§73-17 Defecation on public or private property prohibited.

It shall be unlawful for any dog owner or person having possession, custody or control of any dog to allow such dog to defecate on public or private property without the permission of the owner of such property.

§73-18 Removal and disposal by owner.

It shall be the duty of each dog owner or person having possession, custody or control of a dog to immediately remove any feces left by such dog on any sidewalk, gutter, street, grassy area between the street and sidewalk, park, school yard, Mohawk Valley Gateway Overlook or other public or private property and to immediately dispose of the same in a safe and sanitary manner.

§73-19 Penalties for offenses.

Any violation of §73-17 and §73-18 shall constitute a violation punishable by a fine or a civil penalty of ~~not less than \$100~~ \$200 per occurrence, ~~except that if such violation occurs on a playground area or other place of public recreation, then such fine shall not be less than \$200.~~ For the purposes of enforcing the provisions of this section, appearance tickets may be issued by police officers, dog control officers, code inspectors and by any persons authorized to issue tickets for parking violations.

§73-20 Exceptions.

The provisions of this article shall not apply to a guide dog, hearing dog or service dog accompanying any person with a disability, as defined in Subdivision 21 of §292 of the Executive Law.

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

ORDINANCE ADOPTED. Alderman Majewski was absent.

Common Council
City of Amsterdam, NY

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


MICHAEL J. VILLA, MAYOR

DATED: 10/5, 2016

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Received by: 

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

ORDINANCE 2016-J (for introduction)

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 severly 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.