

COMMON COUNCIL MEETING

April 5, 2022

6:00PM

ORDER OF BUSINESS

- I. Call to Order
- II. Salute to the Flag
- III. Roll Call
- IV. Adoption of Agenda
- V. Proclamations
- VI. Communications and Presentations
- VII. Public Participation
- VIII. Controller's Report
- IX. Old Business:
- X. New Business:
 - (a) Resolutions
 - (b) Ordinances:
 - (c) Local Laws:
 - (d) Introduction of Ordinances:
 - (e) Introduction of Local Laws:
 - (f) Committee Reports
 - (g) Scheduling of Committee Meetings
 - (h) Other
- XI. Executive Session
- XII: Adjournment
 - 5:00PM RBT AUDIT MEETING**
 - 5:30PM COW**
 - 1. Review of Agenda Items
 - 2. Any other business to come before the Council

COMMON COUNCIL MEETING

April 5, 2022

6:00PM

OLD BUSINESS

NEW BUSINESS

169. RESOLUTION APPROVING MINUTES	MARTUSCELLO
170. RESOLUTION TRANSFERRING FUNDS -CONTROLLER/ AFD DIESEL FUEL	COLLINS
171. RESOLUTION AUTHORIZING BIDS-WTP CHEMICAL AND CARBON CONTACTOR	D. GOMULA
172. RESOLUTION AUTHORIZING LEASE OPTION- GASD/BARKLEY	MARTUSCELLO
173. RESOLUTION AUTHORIZING PAYMENT TO DOMINIQUE DAVIDSON IN THE AMOUNT OF \$7,185.00 RELATING TO 8 GLEN AVE	MAYOR
174. RESOLUTION TRANSFERING FUNDS: CONTINGENCY/JUDGMENTS&CLAIMS	MAYOR
175. RESOLUTION GRANTING EXCLUSIVE NAMING RIGHTS FOR POOL CONCESSION STRUCTURE AT VERERAN'S PARK	MARTUSCELLO
176. RESOLUTION AMENDING BUDGET – COMMUNITY & ECONOMIC DEVELOPMENT	S. GOMULA
177. RESOLUTION AMENDING BUDGET – RECREATION/ERIE CANAL GRANT	MARTUSCELLO
178. RESOLUTION APPROVING STANDARD WORKDAY FOR EMPLOYEES RS2418	S. GOMULA
179. RESOLUTION APPROVING AUDIT	COLLINS

COMMON COUNCIL MEETING
April 5, 2022
6:00PM

RESOLUTION #21/22-169

RESOLUTION ADOPTING MINUTES OF THE LAST COMMON COUNCIL MEETING

BY: ALDERMAN MARTUSCELLO

RESOLVED, the minutes of the last Common Council Regular Meeting of March 15, 2022 are hereby adopted.

City of Amsterdam, NY

	Aye	Nay
Alderman Quist-Demars		
Alderman D. Gomula		
Alderman Collins		
Alderman S. Gomula		
Alderman Martuscello		

MICHAEL CINQUANTI, MAYOR

DATED: _____, 2022

COMMON COUNCIL MEETING
April 5, 2022
6:00PM

RESOLUTION #21/22-170

RESOLUTION TRANSFERRING FUNDS- CONTROLLER/AFD DIESEL FUEL

BY: ALDERWOMAN COLLINS

WHEREAS, a transfer of funds is necessary in order to cover the remaining cost for diesel fuel for this fiscal year for the Amsterdam Fire Department; now therefore be it

RESOLVED, the Controller is authorized to transfer funds from the 2021/2022 budget as follows:

DECREASE EXPENSE:

A.1990.4036	Contingency	\$7,000.00
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INCREASE EXPENSE:

A.3410.4139	AFD Diesel	\$7,000.00
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City of Amsterdam, NY

	<u>Aye</u>	<u>Nay</u>
<u>Alderman Quist-Demars</u>		
<u>Alderman D. Gomula</u>		
<u>Alderman Collins</u>		
<u>Alderman S. Gomula</u>		
<u>Alderman Martuscello</u>		

MICHAEL CINQUANTI, MAYOR
DATED: _____, 2022

COMMON COUNCIL MEETING

April 5, 2022

6:00PM

RESOLUTION #21/22-171

RESOLUTION AUTHORIZING BIDS- WTP CHEMICALS & REGENERATION OF CARBON CONTACTORS

BY: ALDERMAN D. GOMULA

RESOLVED, the Water Treatment Plant Operator is authorized to prepare specifications and the City Clerk is authorized to advertise for bids for the chemicals for the Water Treatment Plant for the 2022/2023 Fiscal Year, be it Further

RESOLVED, the Water Treatment Plant Operator is authorized to prepare specifications and the City Clerk is authorized to advertise for bids for the regeneration of carbon contactors for the Water Treatment Plant for the 2022/2023 Fiscal Year.

City of Amsterdam, NY

	Aye	Nay
Alderwoman Quist-Demars		
Alderman D. Gomula		
Alderwoman Collins		
Alderman S. Gomula		
Alderman Martuscello		

MICHAEL CINQUANTI, MAYOR

DATED: _____, 2022

COMMON COUNCIL MEETING

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6:00PM

RESOLUTION #21/22-172

RESOLUTION EXERCISING OPTION WITH GREATER AMSTERDAM SCHOOL DISTRICT FOR LEASE AT BARKLEY ELEMENTARY SCHOOL

BY: ALDERMAN MARTUSCELLO

WHEREAS, in 1973 the City entered into a 50-year lease agreement with the school district for the leasing of property at the Barkley Elementary School for the operation of a playground, said lease expiring in January 2023; and

WHEREAS, said lease agreement provides the City with an option to renew the lease for an additional period of fifty years; and

WHEREAS, the City recently received a grant from Assemblyman Angelo Santabarbara for \$455,000 to construct a new playground adjacent to the Barkley Elementary School; and

WHEREAS, the City being desirous to renew said lease for a term of fifty years; and

WHEREAS , a copy of the 1973 lease agreement being attached hereto and incorporated herein by reference; be it hereby

RESOLVED, that the City of Amsterdam, through this Resolution, hereby exercises said option and be it further

RESOLVED, that Corporation Counsel shall provide certified copies of the instant resolution to the William H Mycek, Esq., attorney for the school district and to the district office; and is further

RESOLVED, that Mayor Cinquanti is authorized to execute any necessary document to effectuate the instant resolution.

City of Amsterdam, NY

	Aye	Nay

Alderwoman Quist-Demars		

Alderman D. Gomula		

Alderwoman Collins		

Alderman S. Gomula		

Alderman Martuscello		

MICHAEL CINQUANTI, MAYOR

DATED: _____, 2022

COMMON COUNCIL MEETING

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RESOLUTION #21/22-173

RESOLUTION AUTHORIZING PAYMENT TO DOMINIQUE DAVIDSON IN THE AMOUNT OF \$7,185.00 RELATING TO 8 GLEN AVE

BY: MAYOR CINQUANTI

WHEREAS, by way of background as it relates to 8 Glen Avenue, Amsterdam New York City took title via an In Rem Foreclosure proceeding and subsequently sold the property Dominique Davidson for the consideration of \$7,000.00 with Davidson having incurred costs in the amount of \$185 for recording said deed. Said deed to Davidson was recorded in the Montgomery County Clerk's Office on December 12, 2018, as Instrument No. 2018-81312. The prior owner then commenced an adversary proceeding against the Davidson and the City seeking avoidance and annulling of the transfer of the Premises from the Davidson to the City. The prior owner prevailed in said adversary proceeding with Davidson having not appeared and the City having consented to the relief requested, with title and possession ultimately having been granted back to the original owner; and

WHEREAS, as Davidson has incurred financial loss in the amount of \$7,185.00 and the City is desirous to reimburse same to Davidson; it hereby

RESOLVED, payment to the Dominique Davidson in the of \$7,185.00 hereby authorized upon the execution of a General Release executed by/on behalf of Davidson relating to the same.

City of Amsterdam, NY

	Aye	Nay

Alderwoman Quist-Demars		

Alderman D. Gomula		

Alderwoman Collins		

Alderman S. Gomula		

Alderman Martuscello		

MICHAEL CINQUANTI, MAYOR
DATED: _____, 2022

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RESOLUTION #21/22-174

RESOLUTION TRANSFERING FUNDS: CONTINGENCY/JUDGMENTS&CLAIMS

BY: MAYOR CINQUANTI

WHEREAS, The City of Amsterdam having authorized payment to Dominique Davidson in the amount of \$7,185.00, reimbursing Davidson for costs in his acquisition of 8 Glen Avenue, which was subsequently annulled; and

WHEREAS, so to facilitate the release of said funds to Davidson, a transfer of funds is necessary decreasing Contingency in the amount of \$7,185.00 and increasing Judgements/Claims in the amount of \$7,185.00; it hereby

RESOLVED, that the Controller is authorized to transfer funds from the 2021/2022 budget as follows:

DECREASE EXPENSE:

A.1990.4036	Contingency	\$7,185.00
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INCREASE EXPENSE:

A.1930.400	Judgements/ Claims	\$7,185.00
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City of Amsterdam, NY

	Aye	Nay
Alderwoman Quist-Demars		
Alderman D. Gomula		
Alderwoman Collins		
Alderman S. Gomula		
Alderman Martuscello		

MICHAEL CINQUANTI, MAYOR

DATED: _____, 2022

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RESOLUTION #21/22-175

**RESOLUTION GRANTING EXCLUSIVE NAMING RIGHTS FOR POOL
CONCESSION STRUCTURE AT VERERAN’S PARK**

BY: ALDERMAN MARTUSCELLO

WHEREAS, Sticker Mule, LLC has graciously volunteered to donate \$50,000.00 to the City of Amsterdam for improvements to Veteran’s Park, including the construction of a concession stand/structure for which Sticker Mule, LLC desires to have exclusive sponsorship; and

WHEREAS, the City of Amsterdam being desirous to acknowledge the very generous donation and philanthropic gesture by granting the request in naming said structure “Herman’s Hut”; it is hereby

RESOLVED, that the City of Amsterdam approves the naming of said structure as “Herman’s Hut” and it be it further

RESOLVED, that Mayor Cinquanti is authorized to sign an agreement, approved by Corporation Counsel, effectuating the exclusivity of said naming rights to Sticker Mule, LLC.

City of Amsterdam, NY

	Aye	Nay
Alderman Quist-Demars		
Alderman D. Gomula		
Alderman Collins		
Alderman S. Gomula		
Alderman Martuscello		

MICHAEL CINQUANTI, MAYOR

DATED: _____, 2022

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RESOLUTION #21/22-176

RESOLUTION AMENDING BUDGET – COMMUNITY & ECONOMIC DEVELOPMENT

BY: ALDERMAN S. GOMULA

WHEREAS, a budget amendment is necessary in order to replenish funds used to pay Pioneer Production bill; and

WHEREAS, these previously utilized funds have now been reimbursed through NYSDOH;

RESOLVED, the Controller is authorized to amend the 2021-2022 budget as follows:

INCREASE REVUE:

G.3089	State Aid-Other	\$8,167.00
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INCREASE EXPENSE :

A.8020.4006	CED Contractual	\$4,573.52
F.8310.400.23		\$1,633.40
G.8110.4137.23		\$1,388.39
CL.8160.4137.23		\$ 571.69

City of Amsterdam, NY

	Aye	Nay
Alderwoman Quist-Demars		
Alderman D. Gomula		
Alderwoman Collins		
Alderman S. Gomula		
Alderman Martuscello		

MICHAEL CINQUANTI, MAYOR

DATED: _____, 2022

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RESOLUTION #21/22-177

RESOLUTION AMENDING BUDGET – RECREATION/ERIE CANAL GRANT

BY: ALDERMAN MARTUSCELLO

WHEREAS, a transfer of funds is necessary in order to pay for expanding the sound system on the MVGO, building picnic tables for Riverlink Park and constructing the foundation for an art project in Riverlink Park; and

WHEREAS, the funds were received from a NYS Erie Canal Grant; now therefore be it

RESOLVED, the Controller is authorized to amend the 2021-2022 budget as follows:

INCREASE REVUE:

A.3822	State Aid-Other	\$11,757.00
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INCREASE EXPENSE:

A.7020.4000	Contractual	\$11,757.00
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City of Amsterdam, NY

	Aye	Nay
Alderwoman Quist-Demars		
Alderman D. Gomula		
Alderwoman Collins		
Alderman S. Gomula		
Alderman Martuscello		

MICHAEL CINQUANTI, MAYOR

DATED: _____, 2022

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RESOLUTION #21/22-178

RESOLUTION APPROVING STANDARD WORKDAY FOR EMPLOYEES RS2418

BY: ALDERMAN S. GOMULA

BE IT RESOLVED, that the City of Amsterdam Location Code 20002, hereby establishes the following as standard work days for its employees and will report days worked to the New York State and Local Employees' Retirement System based on the time keeping system or the record of activities maintained and submitted by these members to the clerk of this body:

Title /Name	Standard Workday Hrs.
Alderman Stephen Gomula	6
Alderwoman Kelly Quist-Demars	6
Alderwoman Irene Collins	6
City Controller Matthew Agresta	6
Corporation Counsel Anthony Casale	6
City Clerk Stefanie Gerken	7

City of Amsterdam, NY

	Aye	Nay
Alderwoman Quist-Demars		
Alderman D. Gomula		
Alderwoman Collins		
Alderman S. Gomula		
Alderman Martuscello		

MICHAEL CINQUANTI, MAYOR

DATED: _____, 2022

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RESOLUTION #21/22-179

RESOLUTION APPROVING AUDIT

BY: ALDERWOMAN COLLINS

RESOLVED, the bills and documentation of same presented in “Pre-Check Writing Report Parameter” dated April 5, 2022 to the Common Council and affirmed by the Controller as correct and to be paid, the City Clerk is authorized and empowered to issue warrants in payment of same.

City of Amsterdam, NY

	Aye	Nay
Alderman Quist-Demars		
Alderman D. Gomula		
Alderman Collins		
Alderman S. Gomula		
Alderman Martuscello		

MICHAEL CINQUANTI, MAYOR

DATED: _____, 2022

*Barkley Woods
School*

File

LEASE AGREEMENT

THIS AGREEMENT, Made and concluded the 17th day of January, 1973, by and between THE ENLARGED CITY SCHOOL DISTRICT, CITY OF AMSTERDAM, NEW YORK, hereinafter referred to as LESSOR", and THE CITY OF AMSTERDAM, NEW YORK, a municipal corporation with its principal offices located on Church Street in the City of Amsterdam County of Montgomery, State of New York, hereinafter referred to as "LESSEE".

WITNESSETH, That the Lessor does hereby demise and let unto the Lessee, all that certain parcel of land situate in the City of Amsterdam, County of Montgomery, State of New York, bounded and described as follows:

BEGINNING at a point in the southerly line of lands of the Grater Amsterdam School District and the northerly line of lands of the Niagara-Mohawk Power Corporation, said point also being 250' northwesterly of westerly line of DeStefano Street, as measured along said southerly line of GASD; running thence N. 65° 29' W. 728.7'; thence N. 15° 55' E. 361.8'; thence N. 45° 20' W. 110.0'; thence 82° 22' E. 374.5'; thence 80° 14' E. 457.0'; thence S. 11° 52' W. 873.7' ± more or less; to the place of beginning. Containing 10.6 acres. Under and subject to the right of the Lessor herein to use and maintain in common with the Lessee herein the certain roadway, or any replacement thereof, leading from DeStefano Avenue to the School premises as a means of ingress, egress and regress.

Upon which the Lessee shall construct, operate and maintain a recreational park, playground, to be used primarily as a public recreation facility, for the initial term of fifty (50) years, with the option to renew the same as hereinafter provided, beginning on the date of this Agreement of Lease, for and in consideration of the payment of an annual rental of One Dollar (\$1.00) and the performance of the covenants and agreements hereinafter mentioned and contained; the first such annual rental payment to be paid at the time of signing this Lease, and said annual rental shall be paid on the same day of each year thereafter until said Lease is

terminated as hereinafter provided.

It is the understanding of the parties that following the execution of this Lease the Lessee will proceed to make application for grant, Federal and/or State for the purposes herein set forth which application shall not be unreasonably delayed.

In the event the Lessee fails to commence actual construction of the recreational facilities herein proposed by April 1, 1974, this Lease shall terminate at the option of the lessor.

In the event it becomes necessary to relocate any existing water or sewage lines in order to properly construct any of said facilities on the demised premises, the Lessee shall pay for the cost of relocating same.

Upon completion of the recreational facilities, the Lessee shall keep the demised premises clean and free from all dirt, and other refuse matter, replace all glass windows, and doors broken on said premises, keep all waste and drain pipes open, repair all damage to plumbing and to the premises in general, and keep the same in good order and repair.

The Lessee shall comply with any requirements of any state or federal statute or local ordinance or regulation applicable to Lessee or its use of the demised premises and save the Lessor harmless from penalties, fines, costs or damages resulting from failure so to do.

The Lessee hereby agrees that it will not assign, mortgage or pledge this Lease or underlet or sublease the demised premises or any part thereof without the prior written consent of the Lessor.

The Lessee agrees to be responsible for and to relieve, and hereby relieves, the Lessor from all liability by reason of any

injury or damage to any person or property on the demised premises and shall save the Lessor harmless from any claims made against them arising out of any occurrence in, upon or on the demised premises, or by reason of the use or misuse of the premises by the Lessee, its agents, servants or employees.

The Lessee shall keep any building or other structures on the leased premises insured against loss or damage by fire with extended coverage endorsement.

While this Lease is in full force and effect, provided the Lessee is not in default in the performance of any of the terms, covenants and conditions hereof, the Lessee shall have the right, or option to extend the original term of this Lease for a further term of fifty (50) years; such extension or renewal of the original term shall be upon the same terms, covenants and conditions as are provided for in the original term. Notice of the Lessee's intention to exercise the option must be given to the Lessor in writing at least six months prior to the expiration of the original term of this Lease. If no notice to exercise this option is given by the Lessee for a period set forth above, the Lease shall terminate at the end of the original term without further notice.

All structures, additions or improvements made upon the demised premises by Lessee shall become the property of Lessor upon the termination of this Lease.

IN WITNESS WHEREOF, This Lease has been duly executed by the parties hereto intending to be legally bound hereby under seal as of the day and year first above written.

ATTEST: [Signature] THE ENLARGED CITY SCHOOL DISTRICT
(Seal) CITY OF AMSTERDAM, NEW YORK
BY: _____

ATTEST: [Signature] THE CITY OF AMSTERDAM, NEW YORK
(SEAL) CITY CLERK
BY: [Signature]