

COMMON COUNCIL MEETING

September 20, 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

5:30PM COW

- 1. Review of Agenda Items
- 2. Any other business to come before the Council

5:50 Public Hearing – Ordinance E of 2022 No Parking Third St North Side

5:55 Public Hearing 2- Local Law B of 2022- Modifying City Charter C-17 Regarding Procedure to Fill Vacancy of Controller

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OLD BUSINESS

NEW BUSINESS

48. RESOLUTION APPROVING MINUTES	MARTUSCELLO
49. RESOLUTION AUTHORIZING AGREEMENT – WWTP/ARCADIS	QUIST-DEMARS
50. RESOLUTION TRANSFERRING FUNDS – MAYOR/R. SCOTT WARREN	MARTUSCELLO
51. RESOLUTION APPROVING AUDIT	COLLINS

ORDINANCE E OF 2022 (to be known as Ordinance 5 of 2022 if adopted)

AN ORDINANCE MODIFYING AMSTERDAM CITY CODE SECTION 228-47: SCHEDULE XIII: PARKING PROHIBITED AT ALL TIMES

LOCAL LAW "A" OF 2022 (TO BE KNOWN AS LOCAL LAW 1 OF 2022 IF ADOPTED.)

LOCAL LAW MODIFYING CITY CHARTER, SECTION C-17 REGARDING THE PROCEDURE TO FOLLOWED TO FILL VACANCY OF CONTROLLER

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RESOLUTION #22/23-48

RESOLUTION ADOPTING MINUTES OF THE LAST COMMON COUNCIL MEETING

BY: ALDERMAN MARTUSCELLO

RESOLVED, the minutes of the last Common Council Meeting of September 6, 2022 are hereby adopted.

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 #22/23-49

RESOLUTION AUTHORIZING AGREEMENT WITH WESTON & SAMPSON

BY: ALDERMAN S. GOMULA

WHEREAS, an Order on Consent remains in force requiring Water Quality Improvements to the Wastewater Treatment Plant; and,

WHEREAS, a Preliminary Engineering Report has been prepared by ARCADIS of NY for this project in July 2022 and submitted to the New York State Department of Environmental Conservation; and,

WHEREAS, the total project budget for the WWTP Improvement project is estimated to be \$17.2 million including engineering services; and,

WHEREAS, the City has received a Water Infrastructure Improvement Act grant for \$4.3 million for this project; and,

WHEREAS, this project is list by the New York State Environmental Facilities Corporation's Intended Use Plan for the Clean Water State Revolving Fund, making the project eligible for a loan at 0%; and,

WHEREAS, a Water Quality Improvement Project Grant application has been submitted to NYSEFC for approximately \$7 million; and,

WHEREAS, engineering services will be funded through said grants and loans with construction;

NOW THEREFORE BE IT RESOLVED, that the City agrees to engage ARCADIS of NY for final design and construction phase services for a Not To Exceed Amount of \$1,935,300, contingent upon an award of a WQIP grant to complete a funding package; and,

BE IT FURTHER RESOLVED, that engineering costs for final design will not be incurred until an award of a WQIP grant is confirmed; and

BE IT FURTHER RESOLVED, that the Mayor is authorized to execute a professional services agreement with ARCADIS of NY, as attached to this resolution

City of Amsterdam, NY

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

MICHAEL CINQUANTI, MAYOR
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RESOLUTION #22/23-50

RESOLUTION TRANSFERRING FUNDS- MAYOR /R. SCOTT WARREN

BY: ALDERMAN MARTUSCELLO

WHEREAS, a transfer is necessary in order to pay for consultant contract with R. Scott Warren at the Amsterdam Municipal Golf Course; now therefore be it

RESOLVED, the Controller is authorized to transfer funds from the 22/23 FY Budget as follows:

DECREASE EXPENSE:

CR.7180.1022	Management	\$10,000.00
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INCREASE EXPENSE:

CR.7180.4132	Consultant Services	\$10,000.00
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City of Amsterdam, NY

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

MICHAEL CINQUANTI, MAYOR
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RESOLUTION #22/23-51

RESOLUTION APPROVING AUDIT

BY: ALDERWOMAN COLLINS

RESOLVED, the bills and documentation of same presented in “Pre-Check Writing Report Parameter” dated September 20, 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

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

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ORDINANCE E OF 2022 (to be known as Ordinance 5 of 2022 if adopted)

**AN ORDINANCE MODIFYING AMSTERDAM CITY CODE SECTION 228-47:
SCHEDULE XIII: PARKING PROHIBITED AT ALL TIMES**

BY: ALDERMAN D. GOMULA

Part 1: Legislative Intent: The Common Council having received a recommendation from Amsterdam Police Department Chief John Thomas to update the city code at Section 228-47 Schedule XIII: Parking Prohibited at all Times so as to include No Parking at any time on the North side of Third Street, the intent of the instant ordinance is to modify Schedule XIII of Section 228-47 to reflect parking prohibited at all times on the North side of Third Street

Part 2: Enactment –

BE IT ENACTED BY THE COMMON COUNCIL OF THE CITY OF AMSTERDAM that the following be added and or modified to XII o Section 228-47 as set forth below:

Additions:

Parking Prohibited at All Times: Third Street –North Side

Part 3: Effectiveness: Following a public hearing and upon ratification by the Common Council, the instant Ordinance shall take effect pursuant to Section C-33 of the Charter.

City of Amsterdam, NY

	Aye	Nay

Alderwoman Quist-Demars		

Alderman D. Gomula		

Alderwoman Collins		

Alderman S. Gomula		

Alderman Martuscello		

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LOCAL LAW “A” OF 2022 (TO BE KNOWN AS LOCAL LAW 1 OF 2022 IF ADOPTED.)

LOCAL LAW MODIFYING CITY CHARTER, SECTION C-17 REGARDING THE PROCEDURE TO FOLLOWED TO FILL VACANCY OF CONTROLLER

Part 1: Legislative Intent –

By way of background, the former City Controller voluntarily resigned, effective August 12, 2022. The procedure to fill the vacancy of this local office is codified in the City Charter of the City of Amsterdam at Section C-17(A) which is restated to provide that when an vacancy is created in the positions of Mayor, City Controller, Alderman or Supervisor, the vacancy must be filled within 30 days of the effective date of the vacancy by an individual to be of the same political affiliation as the individual who vacated the position.

The City presently finds itself unable to strictly comply with the components of C-17 of the City Charter as presently codified as it pertains to political party affiliation and timing of the appointment made to fill the vacancy of Controller and is desirous to amend the City Charter to so as to validate the appointment of an individual without the logistical constraints imposed by the City Charter as presently codified at C-17.

With regard to the political party affiliation presently contained at C-17(A)(2) of the City Charter, the Common Council of the City of the City of Amsterdam recognizes a great distinction exists in the Office of City Controller as compared to the Offices of Mayor, Alderman and/or Supervisor and, in a general sense, the Office is far less political in nature as the Controller is the Chief Fiscal Officer for the City and has responsibilities and duties relating to fiscal operations, budgetary planning and management of payroll and debt service for the City. Given the same, it believed that the citizens and taxpayers are benefitted by freeing itself of the political party affiliation component of C-17 of the Charter as it pertains to the office of Controller.

With regard to the provision contained at C-17(A)(1) of the charter providing that a vacancy in the Offices of Mayor, Controller, Alderman, and/or Supervisors be filled within 30 days, the Common Council recognizes that this should always be the goal, including in the case of filling the vacancy of Controller, but at the same time, for all of the reasons stated above, the Common Council recognizes that the appointment of an individual to fill the vacancy of Controller cannot be logistically accomplished within thirty days of the date of the vacancy and wishes to safeguard the City with regard to the validity of such an appointment made subsequent to passing of thirty days of the date of such vacancy.

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Pursuant to Municipal Home Rule Law, Section 10 (1), “In addition to powers granted in the constitution, the statute of local governments or in any other law,(i) every local government shall have power to adopt and amend local laws not inconsistent with the provisions of the constitution or not inconsistent with any general law relating to its property, affairs or government”

With all of the above having been said, the legislative intent of the instant local law is to modify the City Charter of the City of Amsterdam, Section C-17A(1) to provide that in the case of filling the vacancy of Controller, an appointment made to fill said vacancy subsequent to the passing of thirty days of the vacancy shall not render said appointment to be invalid. Additionally, Section C-17(A)(2) shall be modified to remove the political party affiliation component of the individual appointed to fill the vacancy of Controller.

Part 2: Enactment: BE IT ENACTED BY THE COMMON COUNCIL OF THE CITY OF AMSTERDAM, AS FOLLOWS, that the City Charter of the City of Amsterdam is modified as follows:

Modification #1: C-17A(1) – Modify by Adding a sentence at the end of this subsection reading as follows:

“An appointment made to fill the vacancy of Controller subsequent to the passing of thirty days of the date of the vacancy shall not render said appointment to be invalid.”

Modification #2: C-17(B) – Remove the term and reference to “Controller” in this subsection.

Part 3: Effectiveness: A public hearing having been held on September 20, 2022 and upon ratification by Common Council, the instant Local Law shall become effective pursuant to C-33 of the Charter.

City of Amsterdam, NY

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

MICHAEL CINQUANTI, MAYOR
DATED: _____, 2022