

**COMMON COUNCIL MEETING**  
**November 15, 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

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*OLD BUSINESS*

*Local Law B of 2022- Modifying the City Charter regarding the procedure to follow to fill vacancy of Controller*

*NEW BUSINESS*

<b>83. RESOLUTION APPROVING MINUTES</b>	<b>MARTUSCELLO</b>
<b>84. RESOLUTION APPROVING MOA- UPSEU</b>	<b>MARTUSCELLO</b>
<b>85. RESOLUTION AUTHORIZING AGREEMENT EXTENSION – WWTP/GOTTA DO</b>	<b>S. GOMULA</b>
<b>86. RESOLUTION TRANSFERRING FUNDS- GOLF COURSE/COMMISSIONER'S CUP</b>	<b>MARTUSCELLO</b>
<b>87. RESOLUTION AMENDING BUDGET – GOLF COURSE DONATION</b>	<b>MARTUSCELLO</b>
<b>88. RESOLUTION TRANSFERRING FUNDS- WATER FUND/EMPIRE ELECTRIC</b>	<b>MARTUSCELLO</b>
<b>89. RESOLUTION TRANSFERRING FUNDS- SEWER FUND</b>	<b>MARTUSCELLO</b>
<b>90. RESOLUTION TRANSFERRING FUNDS- GOLF FUND</b>	<b>MARTUSCELLO</b>
<b>91. RESOLUTION TRANSFERRING FUNDS- SANITATION FUND</b>	<b>MARTUSCELLO</b>
<b>92. RESOLUTION TRANSFERRING FUNDS- GENERAL FUND</b>	<b>MARTUSCELLO</b>
<b>93. RESOLUTION APPROVING AUDIT</b>	<b>COLLINS</b>

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**LOCAL LAW “B” OF 2022 (TO BE KNOWN AS LOCAL LAW 2 OF 2022 IF ADOPTED.)**

**LOCAL LAW MODIFYING CITY CHARTER, SECTION C-17 REGARDING THE PROCEDURE TO FOLLOW 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.

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

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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.

**MOTION TO TABLE on 9/20/22** by Alderwoman Quist-Demars Passed with an Aye

**MOTION TO TABLE on 10/4/222** by Alderwoman Quist-Demars Passed with an Aye

**MOTION TO TABLE on 10/18/22** by Alderman S. Gomula Passed with an Aye

**MOTION TO TABLE on 10/18/22** by Alderwoman Quist-Demars Passed with an Aye.

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 #22/23-83**

**RESOLUTION ADOPTING MINUTES OF THE LAST COMMON COUNCIL MEETING**

**BY: ALDERMAN MARTUSCELLO**

**RESOLVED**, the minutes of the last Common Council Meeting of November 1, 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

**COMMON COUNCIL MEETING**

**November 15, 2022**

**6:00PM**

**RESOLUTION #22/23-84**

**RESOLUTION APPROVING MEMORANDUM OF AGREEMENT BETWEEN THE CITY OF AMSTERDAM AND THE UNITED PUBLIC SERVICE EMPLOYEES UNION**

**BY: ALDERMAN MARTUSCELLO**

**WHEREAS**, the City of Amsterdam (hereinafter "City") and the United Public Service Employees Union (hereinafter "UPSEU") are parties to a collective bargaining agreement which expired June 30, 2021 but has continued in effect by operation of law; and

**WHEREAS**, the City and UPSEU have been engaged in negotiations for a successor collective bargaining agreement; and

**WHEREAS**, the parties, with the assistance of a mediator assigned by the Public Employment Relations Board, have reached a Memorandum of Agreement setting forth the terms of a successor collective bargaining agreement for the period July 1, 2021 through June 30, 2025, a copy of which Memorandum of Agreement is attached hereto; and

**WHEREAS**, said Memorandum of Agreement is subject to ratification by the UPSEU membership and legislative approval by the Amsterdam Common Council; and

**WHEREAS**, the attached Memorandum of Agreement has been ratified by the UPSEU membership and is being recommended by the Mayor and the City's negotiating team to the Amsterdam Common Council for approval. **NOW, THEREFORE**, be it hereby

**RESOLVED**, that the attached Memorandum of Agreement dated October 11, 2022 by and between UPSEU and the City of Amsterdam is hereby approved by the Amsterdam Common Council; and be it further

**RESOLVED**, that the Mayor is authorized to execute a collective bargaining agreement incorporating the terms of the Memorandum of Agreement in a form acceptable to counsel for the City.

City of Amsterdam, NY

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

\_\_\_\_\_  
MICHAEL CINQUANTI, MAYOR

DATED: \_\_\_\_\_, 2022

Memorandum of Agreement  
by and between  
The City of Amsterdam  
and  
United Public Service Employees Union.

- The Current CBA Expired on 7/1/21
- The Parties have engaged in good faith negotiations to reach a successor CBA for the period 7/1/21 - 6/30/25 and will recommend passage approval and ratification.
- Unless otherwise noted, all terms and conditions of the expired CBA remain in full force and effect.

TERMS

1. Effective 3/1/22 all employees shall receive a 3% increase (with Retroactivity)
2. Effective 7/1/22 all employees shall receive a 3% increase (with Retro)

3. Upon Ratification, The <sup>Chief</sup> Water Treatment plant operator position shall be increased by \$6000.00 additionally,

Upon Ratification, The City shall allocate an additional \$12,000.00 to be distributed to the bargaining unit at the discretion of the unions to be placed into the wage scale.

4. Effective 7/1/23, all <sup>Employees</sup> bargaining unit members shall receive a 3% Increase.

5. Effective 7/1/24, all <sup>are</sup> Employees shall receive a 3% increase.

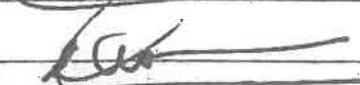
6. Article 6, Section B(2) shall be deleted.


7. The Parties January 14<sup>th</sup> 2024 MOA regarding Vacation Buyback (amends Article 9 Section b of the CBA) shall be incorporated into the CBA.

8. Upon Ratification, all bargaining unit members shall contribute 15% towards the cost of health Insurance premiums.

For the Union

For the Employer

  
Labour Relations spe. 10/11/22

  
Dir. Employee Relations b/c



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**RESOLUTION #22/23-85**

**RESOLUTION AUTHORIZING RENEWAL OF CONTRACT-WWTP/GOTTA DO CONTRACTING**

**BY: ALDERMAN S. GOMULA**

**WHEREAS**, the Wastewater Treatment Plant is seeking authorization for an agreement extension with Gotta-Do Contracting for professional services associated with sludge hauling and disposal; and

**WHEREAS**, Gotta-Do and the City are at the end of a 1-year contract that had the City's option to extend for an additional year up to a maximum of 2 years; and

**WHEREAS**, the price for year 3 of the contract will be \$1,320/pickup and \$84.76/ton; Now, therefore be it

**RESOLVED**, the Waste Water Treatment Plant is authorized to extend their agreement with Gotta-Do Contracting, 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 #22/23-86**

**RESOLUTION TRANSFERRING FUNDS- GOLF COURSE/COMMISSIONER'S CUP TOURNAMENT**

**BY: ALDERMAN MARTUSCELLO**

**WHEREAS**, a transfer is necessary in order to pay contractual expenses at the Golf Course for the Commissioners' Cup tournament.

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

**DECREASE EXPENSE:**

CR.7180.1902	Vacation Buyout	\$2,000.00
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**INCREASE EXPENSE:**

CR.7180.4000	Contractual Expenses	\$2,000.00
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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

DATED: \_\_\_\_\_, 2022

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**RESOLUTION #22/23-87**

**RESOLUTION AUTHORIZING A BUDGET AMENDMENT- GOLF COURSE DONATION**

**BY:ALDERMAN MARTUSCELLO**

**WHEREAS**, a budget amendment is necessary to accept a donation from the Commissioners' Cup Tournament to purchase signage; Now, therefore it be

**RESOLVED**, the Controller is authorized to amend the 22/23 budget as follows:

**INCREASE REVENUE**

CR.2705	DONATIONS	\$965.00
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**INCREASE EXPENDITURE**

CR.7180.4000	CONTRACTUAL EXP	\$965.00
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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

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**RESOLUTION #22/23-88**

**RESOLUTION TRANSFERRING FUNDS IN THE WATER FUND**

**BY: ALDERMAN MARTUSCELLO**

**WHEREAS**, a transfer is necessary in order to pay contractual expenses with Empire Electric NY LLC for Contract 1E-Electrical for the Water Treatment Plant Chemical Feed System Improvements resolution dated 5/3/2022 - #21/22-203, now therefore be it;

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

**DECREASE EXPENSE:**

F.1990.4036                      Contingency                      \$193,015.00

**INCREASE EXPENSE:**

F.8340.4147                      Water Dist. Improvement                      \$193,015.00

City of Amsterdam, NY

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

\_\_\_\_\_  
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**RESOLUTION #22/23-89**

**RESOLUTION TRANSFERRING FUNDS IN THE SEWER FUND**

**BY: ALDERMAN MARTUSCELLO**

**WHEREAS**, a transfer is necessary in order to correct the account codes for debt principal and interest used in the 22/23 budget, now therefore be it;

**RESOLVED**, the controller is authorized to transfer funds from the 22/23 FY budget as follows:

**DECREASE EXPENSE:**

G.9710.6000	Serial Bond Principal	\$239,600.00
G.8110.4036	Contingency	\$ 8,687.00

**INCREASE EXPENSE:**

G.9790.6000	NYS Loan Principal	\$239,600.00
G.9790.7000	NYS Loan Interest	\$ 8,687.00

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 #22/23-90**

**RESOLUTION TRANSFERRING FUNDS IN THE GOLF FUND**

**BY: ALDERMAN MARTUSCELLO**

**WHEREAS**, a transfer is necessary in order to correct the account codes for debt principal and interest used in the 22/23 budget, now therefore be it;

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

**DECREASE EXPENSE:**

CR.7180.6000	Serial Bond Principal	\$114,719.00
CR7180.7000	Serial Bond Interest	\$ 32,381.00
CR.7180.4036	Contingency	\$ 670.57

**INCREASE EXPENSE:**

CR.9710.6000	Serial Bond Principal	\$ 47,000.00
CR.9710.7000	Serial Bond Interest	\$ 11,346.88
CR.9730.6000	BAN Principal	\$ 65,000.00
CR.9730.7000	BAN Interest	\$ 20,763.69
CR.9785.6000	Installment Purchase Principal	\$ 3,445.14
CR.9785.7000	Installment Purchase Interest	\$ 214.86

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 #22/23-91**

**RESOLUTION TRANSFERRING FUNDS IN THE SANITATION FUND**

**BY: ALDERMAN MARTUSCELLO**

**WHEREAS**, a transfer is necessary in order to correct the account codes for debt principal and interest used in the 22/23 budget, now therefore be it;

**RESOLVED**, the controller is authorized to transfer funds from the 22/23 FY budget as follows:

**DECREASE EXPENSE:**

CL.8160.6000	Serial Bond principal	\$ 31,750.00
CL.8160.7000	Serial Bond interest	\$ 10,190.00

**INCREASE EXPENSE:**

CL.9710.6000	Serial Bond principal	\$ 21,750.00
CL.9710.7000	Serial Bond interest	\$ 7,497.50
CL.9730.6000	BAN Principal	\$ 10,000.00
CL.9730.7000	BAN Interest	\$ 2,692.50

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 #22/23-92**

**RESOLUTION TRANSFERRING FUNDS IN THE GENERAL FUND**

**BY: ALDERMAN MARTUSCELLO**

**WHEREAS**, a transfer is necessary in order to correct the account codes for debt principal and interest used in the 22/23 budget, now therefore be it;

**RESOLVED**, the controller is authorized to transfer funds from the 22/23 FY budget as follows:

**DECREASE EXPENSE:**

A.9710.6000	Serial Bond Principal	\$101,250.00
A.9710.7000	Serial Bond Interest	\$ 18,642.38
A.1990.4036	Contingency	\$ 51.55

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 #22/23-93**

**RESOLUTION APPROVING AUDIT**

**BY: ALDERWOMAN COLLINS**

**RESOLVED**, the bills and documentation of same presented in “Pre-Check Writing Report Parameter” dated November 15, 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
Aldерwoman Quist-Demars		
Alderman D. Gomula		
Aldерwoman Collins		
Alderman S. Gomula		
Alderman Martuscello		

\_\_\_\_\_  
MICHAEL CINQUANTI, MAYOR  
DATED: \_\_\_\_\_, 2022