

January 16, 2013

The regular meeting of the Amsterdam Town Board was held on Wednesday, January 16, 2013 at Town Hall, 283 Manny's Corners Road, Amsterdam, NY 12010.

Present: Thomas P. DiMezza, Town Supervisor  
Bart A. Tessiero, Councilman  
Terry Bieniek, Councilman  
Alexander Kuchis, Councilman  
Kenneth Krutz, Councilman  
Linda Bartone Hughes, Town Clerk  
Charles R. Schwartz, Town Attorney

Others: Patrick Boles, Larry Rogers and Robert Wojturski.

Supervisor DiMezza opened the meeting at 7:00 p.m. with a salute to the Flag.

Public Comment

Patrick Boles, 113 Lorraine Boulevard, Amsterdam asked the Town Board for help concerning Power Pallet. The grinding outside is not safe health wise.

30 Res. APPROVAL OF VOUCHERS, ABSTRACT #1

BE IT HEREBY RESOLVED that the Town Board, Town of Amsterdam approves payment of January Vouchers #846 (Handwritten Check), # 847 and # 1-63 as follows:

A Fund	\$287,661.30	B Fund	\$ 33,498.76	DB Fund	\$101,603.18
SS Fund	\$ 6,073.63	HWD Fund	\$129,984.41	Escrow	\$ 941.50

Total Amount \$559,672.78

Sponsored by: Councilman Bart Tessiero  
Seconded by: Councilman Kenneth Krutz  
ADOPTED-5-AYES-0-NOES

31 Res. APPROVAL OF MINUTES

BE IT HEREBY RESOLVED that the Town Board, Town of Amsterdam approves minutes from December 19, 2012 & January 1, 2013 as submitted.

Sponsored by: Councilman Bart Tessiero  
Seconded by: Councilman Kenneth Krutz  
ADOPTED-5-AYES-0-NOES

32 Res. APPROVAL OF AGREEMENT TO SPEND HIGHWAY FUNDS

BE IT HEREBY RESOLVED, that the Town Board, Town of Amsterdam approves Agreement to Spend Highway Funds.

Sponsored by: Councilman Bart Tessiero

Seconded by: Councilman Kenneth Krutz

ADOPTED-5-AYES-0-NOES

33 Res. REVIEW AND ACCEPTED 2013 HIGHWAY INVENTORY

BE IT HEREBY RESOLVED that the Town Board, Town of Amsterdam reviewed and accepted 2013 Highway Inventory.

Sponsored by: Councilman Bart Tessiero

Seconded by: Councilman Terry Bieniek

ADOPTED-5-AYES-0-NOES

34 Res. EXTEND GARBAGE AND RECYCLING CONTRACT WITH COUNTY WASTE FOR TWO YEARS AT CURRENT RATE

BE IT HEREBY RESOLVED, that the Town Board, Town of Amsterdam extends garbage and recycling contract with County Waste for two years at current rate.

Sponsored by: Councilman Bart Tessiero

Seconded by: Councilman Terry Bieniek

ADOPTED-5-AYES-0-NOES

35 Res. JUDICIAL SETTLEMENT RESOLUTION – KEVINS COLLINS VS TOWN OF AMSTERDAM

WHEREAS, by tax grievance action entitled Kevin Collins v. Town of Amsterdam, et. al., Index # 2012-0607, petitioner sought a reduction of the real property tax assessment of their Warehouse building located at 108 Edson Street Extension, Town of Amsterdam, County of Montgomery, State of New York (SBL No. 56.3-1-3.1); and

WHEREAS, after a review of all relevant documentation, including appraisals, and discussion with the Town of Amsterdam Elected Assessors and attorney for the Greater Amsterdam School District, and in the interest of judicial economy as well as the time, expense and vagaries of litigation, the parties have agreed to resolve the issues herein by judicial settlement; and

RESOLVED, that the Town of Amsterdam Town Board will settle this matter upon the

terms contained within the court documents appended hereto and made a part of this resolution to with; and

RESOLVED, that the Town of Amsterdam Town Board hereby agrees to lower the assessed value from Two Hundred Fifty Thousand Dollars (\$250,000.00) to One Hundred Ten Thousand (\$110,000.00), which results in a reduction of One Hundred Fifteen Thousand Dollars (\$115,000.00) of assessed value; and

RESOLVED, that the Town of Amsterdam Town Attorney is authorized to sign any and all documents in furtherance of this judicial settlement.

RESOLVED, that this judicial settlement is conditioned upon acceptance by the members of the Greater Amsterdam School District Board of Education.

Sponsored by: Councilman Alexander Kuchis  
Seconded by: Councilman Bart Tessiero  
ADOPTED-5-AYES-0-NOES

36 Res. JUDICIAL SETTLEMENT RESOLUTION – ROSE INDUSTRIES, LLC VS  
TOWN OF AMSTERDAM

WHEREAS, by tax grievance action entitled Rose Industries, LLC v. Town of Amsterdam, et. al., Index #2012-0608, petitioner sought a reduction of the real property tax assessment of their Secured Storage facilities and Kayak Warehouse buildings located at 4758 State Highway 30, Town of Amsterdam, County of Montgomery, State of New York (SBL No. 24.12-4-7.1); and

WHEREAS, after a review of all relevant documentation, including appraisals, and discussion with the Town of Amsterdam Elected Assessors and attorney for the Greater Amsterdam School District, and in the interest of judicial economy as well as the time, expense and vagaries of litigation, the parties have agreed to resolve the issues herein by judicial settlement; and

RESOLVED, that the Town of Amsterdam Town Board will settle this matter upon the terms contained within the court documents appended hereto and made a part of this resolution to wit; and

RESOLVED, that the Town of Amsterdam Town Board hereby agrees to lower the full tax value from Five Hundred Twenty Two Thousand Dollars (\$522,000.00) to Five Hundred Thousand Dollars (\$500,000.00), which results in a reduction of Twenty Two Thousand Dollars (\$22,000.00) of full tax value; and

RESOLVED, that the Town of Amsterdam Town Attorney is authorizes to sign any and all documents in furtherance of this judicial settlement.

RESOLVED, that this judicial settlement is conditioned upon acceptance by the members of the Greater Amsterdam School District.

Sponsored by: Councilman Alexander Kuchis  
Seconded by: Councilman Kenneth Krutz  
ADOPTED-5-AYES-0-NOES

37 Res. JUDICIAL SETTLEMENT RESOLUTION – ROSE INDUSTRIES LLC  
VS TOWN OF AMSTERDAM

WHEREAS, by tax grievance action entitled Rose Industries, LLC v. Town of Amsterdam, et. al., Index # 2012-0608, petitioner sought a reduction of the real property tax assessment of their Bowling Alley located at 249 Wallis Corners Road, Town of Amsterdam, County of Montgomery, State of New York (SBL No. 24.16-1-12.2); and

WHEREAS, after a review of all relevant documentation, including appraisals, and discussion with the Town of Amsterdam Elected Assessors and attorney for the Greater Amsterdam School District, and in the interest of judicial economy as well as the time, expense and vagaries of litigation, the parties have agreed to resolve the issues herein by judicial settlement; and

RESOLVED, that the Town of Amsterdam Town Board will settle this matter upon the terms contained within the court documents appended hereto and made a part of this resolution to wit; and

RESOLVED, that the Town of Amsterdam Town Board hereby agrees to lower the full tax value from Six Hundred Ninety Five Thousand Two Hundred Dollars (\$695,200.00) to Four Hundred Forty Five Thousand Dollars (\$445,000.00), which results in a reduction of Two Hundred Fifty Thousand Two Hundred Dollars (\$250,200.00) of full tax value; and

RESOLVED, that the Town of Amsterdam Town Attorney is authorized to sign any and all documents in furtherance of this judicial settlement.

RESOLVED, that this judicial settlement is conditioned upon acceptance by the members of the Greater Amsterdam School District Board of Education.

Sponsored by: Councilman Alexander Kuchis  
Seconded by: Councilman Terry Bieniek  
ADOPTED-5-AYES-0-NOES

38 Res. RESOLUTION APPROVING GIARDINO PLANNED UNIT  
DEVELOPMENT EXTENSION

WHEREAS, the Town of Amsterdam Town Board has received an application for a one year extension of time to begin site work and construction for the Planned Unit

Development (PUD) of Joseph Giardino [hereinafter "Giardino PUD"] located between Maple Avenue and Wallins Corners Road, and

WHEREAS, on or about January 2010 approval was obtained for the Giardino PUD and thereafter "Local Law No. 7 of 2010, of the Town of Amsterdam amending the Zoning Law of the Town of Amsterdam, Montgomery County, New York and providing for the creation of Planned Unit Development District No. 2 to be known as the Giardino PUD was duly enacted, and

WHEREAS, the Town of Amsterdam Zoning Code allows for a grant of extension of time from the Town Board upon a showing of valid reasons (see code at Section 14,4 (K), and

WHEREAS, the Town Board, has reviewed the valid reasons set forth in the request for a one year extension, and it was hereby

RESOLVED, the Town of Amsterdam Town Board hereby approves the one year extension until January 31, 2014 of the Giardino PUD in order for site work and construction to begin.

Sponsored by: Councilman Bart Tessiero  
Seconded by: Councilman Kenneth Krutz  
ADOPTED-5-AYES-0-NOES

39 Res. RESOLUTION ADJUSTMENT FOR 2013 SEWER BILLING

BE IT HEREBY RESOLVED, that the Town Board, Town of Amsterdam adjusts the 2013 sewer billing for Rose Industries to 2 city units and reduce bill in the amount of \$814.06.

Sponsored by: Councilman Terry Bieniek  
Seconded by: Councilman Alexander Kuchis  
ADOPTED-5-AYES-0-NOES

Late Items

40 Res. APPROVING CHANGE ORDER NO. 1, 2, 3 & 4 CONCERNING  
PIONEER STREET MILL

BE IT HEREBY RESOLVED, that the Town Board, Town of Amsterdam approves Change Order No. 1, 2, 3 & 4 concerning the Pioneer Street Mill.

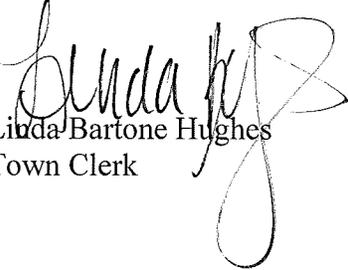
Sponsored by: Councilman Alexander Kuchis  
Seconded by: Councilman Bart Tessiero  
ADOPTED-5-AYES-0-NOES

Supervisor DiMezza reports the NYS Department of Transportation turned down our speed reduction requests. After discussion, the Town Board requested we post on our website for residents.

The Town Board also discussed the fee schedule for fire inspections. This will be on agenda for our February Meeting.

On a motion by Councilman Bart Tessiero; and seconded by Terry Bieniek, the meeting adjourned at 7:19 p.m.

Respectfully submitted,

  
Linda Bartone Hughes  
Town Clerk