

November 21, 2012

The regular meeting of the Amsterdam Town Board was held on Wednesday, November 21, 2012 at Town Hall, 283 Manny's Corners Road, Amsterdam, NY 12010.

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

Others: Robert Wojturski, Michael Cusack-Representing Verizon, Larry Rogers-Delaware Engineering and News Media.

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

Public Comment

William Grzyb, 415 Lepper Road, Fort Johnson stated the revised budget contains \$170,000 in additional revenues and no reductions to library or highway employees. Mr. Grzyb expressed that someone is not keeping track of sales tax.

108 Res. APPROVAL OF NOVEMBER VOUCHERS – ABSTRACT #11

BE IT HEREBY RESOLVED, that the Town Board, Town of Amsterdam approves payment of November Vouchers # 678 – 770, Abstract #11 as follows:

A Fund	\$37,386.58	B Fund	\$31,147.53	DB Fund	\$52,392.20
SS Fund	\$ 6,767.39	HWD Fund	\$ 605.38	Escrow	\$ 870.00

Total Amount \$129,169.08

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

Supervisor DiMezza reports the budget comparison report was distributed.

We are approving minutes of October 17th and the rest at the December meeting.

109 Res. APPROVAL OF MINUTES

BE IT HEREBY RESOLVED, that the Town Board, Town of Amsterdam approves minutes of October 17, 2012.

Sponsored by: Councilman Kenneth Krutz
Seconded by: Councilman Terry Bieniek
ADOPTED-4-AYES-0-NOES-1-ABSTAIN (Tessiero)

110 Res. ADOPTION OF 2013 TOWN BUDGET AS REVISED ON NOVEMBER 5TH, 2012

BE IT HEREBY RESOLVED, that the Town Board, Town of Amsterdam approves adoption of 2013 Town Budget as revised on November 5th, 2012.

Sponsored by: Councilman Bart Tessiero
Seconded by: Councilman Terry Bieniek
ADOPTED-5-AYES-0-NOES

111 Res. SCHEDULE PUBLIC HEARING REGARDING SEWER RENT LAW FOR DECEMBER 19, 2012 AT 6:55 P.M.

BE IT HEREBY RESOLVED, that the Town Board, Town of Amsterdam schedules public hearing regarding sewer rent law for December 19, 2012 at 6:55 p.m.

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

112 Res. APPROVAL OF CONTRACT RENEWAL WITH DELAWARE ENGINEERING FOR PROFESSIONAL SERVICES

BE IT HEREBY RESOLVED, that the Town Board, Town of Amsterdam approves contract renewal with Delaware Engineering for professional services.

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

113 Res. APPOINTMENT OF MEMBER TO BOARD OF ASSESSMENT REVIEW

BE IT HEREBY RESOLVED, that the Town Board, Town of Amsterdam appoints Peter Zabo as Board of Assessment Review Member for term of October 1, 2012 - September 30, 2017.

Sponsored by: Councilman Kenneth Krutz
Seconded by: Councilman Terry Bieniek
ADOPTED-5-AYES-0-NOES

114 Res. APPOINTMENT OF MEMBER TO PLANNING BOARD TO FILL
VACANCY EXPIRING DECEMBER 31, 2013

BE IT HEREBY RESOLVED, that the Town Board, Town of Amsterdam appoints Kelly Murphy as member to Planning Board to fill vacancy with term expiring December 31, 2013.

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

115 Res. AUTHORIZING LEASE OF WATER TANK SPACE FOR PURPOSE OF
CO-LOCATING A PUBLIC UTILITY/PERSONAL WIRELESS
SERVICE FACILITY

WHEREAS, Cellco Partnership d/b/a Verizon Wireless (hereinafter "Verizon Wireless") is a public utility engaged in the provision of personal wireless services; and

WHEREAS, Verizon Wireless has approached the Town Board of the Town of Amsterdam, Montgomery County, and requested permission to lease a portion of space on the Town's Water Tank, located on property owned by Mona Property Enterprises, LLC located at 4706 State Highway (E-911 address of 4710 State Highway 30) (accessed via Lorraine Boulevard through the Town's Property known as Maple Street), together with the right to place communications equipment, utilities and related appurtenances on and around the Town Water Tank (the "Proposed Lease"); and

WHEREAS, the Proposed Lease is necessary to enable Verizon Wireless to provide adequate and safe wireless services to the surrounding area, for emergency and nonemergency use by the general public; and

WHEREAS, the Town Board of the Town of Amsterdam, Montgomery County, acting as "Lead Agency" for the purposes of the New York State Environmental Quality Review Act ("SEQRA"), has had the opportunity to review and complete the Short Environmental Assessment Form ("EAF") bearing date of October 4, 2012; and

WHEREAS, the Town Board of the Town of Amsterdam, Montgomery County has had the opportunity to consider whether the specific areas to be leased to Verizon Wireless are required for the purposes of water tower and/or water district operations; and

NOW, THEREFORE, BE IT RESOLVED AND DETERMINED, pursuant to Section 198[12] of the New York State Town Law, as follows:

1. The Proposed Lease will not result in any large or important impact(s), and therefore, is one which will not have a significant impact on the environment under the State Environmental Quality review Act ("SEQRA). Accordingly, the Amsterdam Town Board hereby adopts a Negative Declaration with respect to the Proposed Lease.

2. The provision of adequate and safe personal wireless services to the surrounding area, for emergency and non-emergency use by the general public, is a public purpose that will be beneficial to and inure to the best interests of the health, safety and general welfare of the citizens of the Town of Amsterdam and traveling public.

3. The specific areas proposed for leasing to Verizon Wireless are not required for the purposes of water tower and/or water district operations, and are hereby deemed to involve the use of surplus property.

4. The Proposed Lease will provide for a six (6) month option period with a one-time payment of \$500.00. The option period may be extended for three (3) additional periods of six (6) months and the Town will receive an additional payment of \$500.00 every time the option is extended. Upon commencement, the Town of Amsterdam will receive annual rental in the amount of \$11,400 per year (payable in equal monthly installments), subject to a 3% annual increase upon the annual anniversary of the defined commencement date. The initial lease term will be five (5) years, and the Proposed Lease will be automatically renewed for four (4) additional renewal terms of five (5) years per term, for a total overall lease term of twenty (25) years.

5. The Town Supervisor is authorized and directed to enter into the Proposed Lease on these terms and conditions, and subject to approval from the Town Attorney as to form and content.

6. Use and occupancy of this site by Verizon Wireless shall be subject to approval from the Planning Board of the Town of Amsterdam in accordance with current Town land use regulations.

7. This Resolution shall be effective immediately.

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

The Town Board reviewed the Short Form Environmental Assessment with regard to lease of water tank space.

116 Res. AUTHROIZE SUPERVISOR DIMEZZA TO SIGN SHORT ENVIRONMENTAL ASSESSMENT FORM REGARDING LEASE OF WATER TANK SPACE FOR PURPOSE OF CO-LOCATING A PUBLIC UTILITY/PERSONAL WIRELESS SERVICE FACILITY

BE IT HEREBY RESOLVED, that the Town Board, Town of Amsterdam authorizes Town Supervisor to sign Short Environmental Assessment Form regarding lease of water tank space for purpose of co-locating a public utility/personal wireless service facility.

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

On a motion by Councilman Bart Tessiero and seconded by Councilman Kenneth Krutz; the meeting adjourned at 7:15 p.m.

Respectfully submitted,


Linda Bartone Hughes
Town Clerk