

October 15, 2014

The regular meeting of the Amsterdam Town Board was held on Wednesday, October 15, 2014 at Town Hall, 283 Manny's Corners Road, Amsterdam, NY 12010.

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

Others: Keith Kazala, Michael Spooner, Larry Rogers and News Media.

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

#### Public Comment

Keith Kazala, 199 Pioneer Street, Town of Amsterdam spoke in regards to storm drain work being done on Midline Road. This project is creating a problem down below Harrower Lane. The water is coming down Harrower Lane from a cross culvert then over Midline down Harrower Lane but when it gets to Pioneer Street the old piping is a lot smaller so they are not taking the ground water and surface water. When it rains now, the ground water comes down from wetlands behind my house. He questioned if part of this project is to check out Pioneer Street and to alleviate this later? Mr. Kazala expressed concern about sucking out storm drains will be the answer.

Michael Spooner, 1396 Midline Road, Town of Amsterdam stated he resides on Midline Road across from Harrower Lane. The creek on his property has become the hub for all this drain water. Mr. Spooner states he has never had a flood but now fears his property may flood. This is a big concern.

Mr. Spooner expressed concern they were not made aware of this project on their property. Mr. Spooner feels they will be the ground zero. The old drain under Midline is still there. The shoulder of the road has been eroding into the creek for some time now.

Supervisor DiMezza suggested making copies of statement. This project has nothing to do with the Town. The County is doing this work because it's a County Road and the Town has nothing to do with it. Supervisor DiMezza appreciates the comments and suggested to contact Matthew Ossenfort, Executive Director and Paul Clayburn, Commissioner of Public Works. Town Clerk will provide the phone numbers so you can contact them directly. Supervisor DiMezza said we will look at Harrower and Pioneer Street section because those roads belong to us. Supervisor DiMezza mentioned they will complete other side of road and hopefully it will alleviate some of the problem.

BE IT HEREBY RESOLVED that the Town Board, Town of Amsterdam approves payment of October Vouchers #649B - National Grid \$2,531.28, #650 - Direct Energy \$1,188.13 & #651-705 as follows:

A Fund	\$	21,312.63	B Fund	\$	27,073.01	DB Fund	\$	99,808.80
SS Fund	\$	13,852.63	HWD Fund	\$	185,745.42	Escrow	\$	1,405.20
SF Fund	\$							

Total Amount \$ 349,197.69 + \$3,719.41 (paid in advance of abstract)

Sponsored by: Councilman Bart Tessiero  
Seconded by: Councilman Kenneth Krutz  
ADOPTED-3-AYES-0-NOES

82 Res. APPROVAL OF MINUTES

BE IT HEREBY RESOLVED that the Town Board, Town of Amsterdam approves minutes from September 24, 2014 as submitted.

Sponsored by: Councilman Kenneth Krutz  
Seconded by: Councilman Bart Tessiero  
ADOPTED-3-AYES-0-NOES

83 Res. ACCEPT QUOTE FROM ANVIL FENCE & SUPPLY CO., INC IN AMOUNT OF \$6,725.00 FOR INSTALLATION OF FENCE AT CEMETERY ON ROUTE 67

BE IT HEREBY RESOLVED, that the Town Board, Town of Amsterdam accepts quote from Anvil Fence & Supply Co., Inc in amount of \$6,725.00 for installation of fence at Cemetery on Route 67.

Sponsored by: Councilman Bart Tessiero  
Seconded by: Councilman Kenneth Krutz  
ADOPTED-3-AYES-0-NOES

84 Res. SCHEDULE PUBLIC HEARINGS PROPOSED 2015 TOWN BUDGET

BE IT HEREBY RESOLVED, that the Town Board, Town of Amsterdam schedules public hearings for Wednesday, November 19<sup>th</sup> as follows:

6:30 p.m.	Fort Johnson Fire Department
6:35 p.m.	Hagaman Fire Department
6:40 p.m.	Cranesville Fire Department
6:45 p.m.	Tribes Hill Fire Department
6:50 p.m.	2015 Preliminary Town Budget

Sponsored by: Councilman Bart Tessiero  
Seconded by: Councilman Kenneth Krutz  
ADOPTED-3-AYES-0-NOES

The Town received four bids for the sewer project. Supervisor DiMezza recommends we award to low bidder Chip Kronau. This will be paid out of sewer budget. Delaware Engineering has looked the bid over and everything is in order.

85 Res. AWARD BID TO CHIP KRONAU CONSTRUCTION EQUIPMENT, INC FOR THE ROUTE 30 NORTH SEWER EXTENSION IN THE AMOUNT OF \$52,450

BE IT HEREBY RESOLVED, that the Town Board, Town of Amsterdam awards bid to Chip Kronau Construction Equipment, Inc for the Route 30 North Sewer in the amount of \$52,450.

Sponsored by: Councilman Bart Tessiero  
Seconded by: Councilman Kenneth Krutz  
ADOPTED-3-AYES-0-NOES

#### Late Items

Supervisor DiMezza presented each board member with preliminary budget together with monthly reports prior to meeting. Supervisor DiMezza states there are not many changes.

In the A Fund, we have accounted for sales tax distribution. This year we paid \$22,000 to City of Amsterdam. The NYS Retirement has gone up by about \$19,000 in this fund. It's well over \$100,000. Also, there is a slight increase in mortgage tax, franchise fee and sales tax for this fund.

The B Fund is basically the same except for a \$5,000 increase to the Amsterdam Free Library.

The Fire Protection Fund shows an increase for Cranesville Fire Department of about \$6,000 and a decrease for Hagaman Fire Department. The total increase is \$3,000 over last year.

The SS (Sewer) & SW (Water) Funds have no changes.

Supervisor DiMezza states the DB Highway Fund, as discussed with Councilman Tessiero earlier has a BAN allotment for \$83,000 that will expire next year. Supervisor DiMezza reports that he attended a truck expo today with Highway Superintendent. We are looking at Western Plows with stainless steel body. The cost is about \$260,000 as we are looking to purchase two trucks. Highway Superintendent will provide proposals for

vehicles next month. If we decide to move forward and authorize a BAN in 2015 this will be paid and the new one will start in 2016. This will be a wash. We will sell the trucks we currently have and put funds towards BAN payment.

Councilman Krutz expressed concern about chickens in an area that maybe they shouldn't be in. Councilman Krutz expressed concern that we are taking measures but have other areas in R-1 Zone with 40 acres that have chickens. Councilman Krutz suggested it may be time to take a look at our ordinance and set up properly for animals if they have a large amount of acreage. We may not want to restrict animals in all areas. Supervisor DiMezza suggested we have the planning board look at this. Supervisor DiMezza said chickens don't belong in an R-1 area with less than an acre of land. Councilman Krutz agreed with Supervisor DiMezza's statements. Supervisor DiMezza if we receive other complaints we will address them. This was a complaint we acted on. Councilman Krutz expressed concern that everyone is treated the same way. It may become an argument as it becomes public. Town Attorney Schwartz asked if this would be similar to horse law. Councilman Krutz suggested he would like to protect the people who have chickens and should be able to due to acreage. Town Attorney Schwartz explained our Town Zoning Law is discretionary although he understands the point being made. The enforcement reacts to complaints. Attorney Schwartz will take ideas to planning board. Supervisor DiMezza said if it's not specifically written in our law than it's not allowed. Our Town Zoning Law is not permissive. Councilman Krutz would like to look at the fact of chickens in an R-1 zone similar to horse law.

86 Res. APPROVING JUDICIAL SETTLEMENT – DRISCOLL FOODS

WHEREAS, by tax grievance action entitled In the Matter of the Application of QUIST ROAD PROPERTIES, LLC D/B/A DRISCOLL FOODS, Index #2014-601, petitioner sought a reduction of the real property tax assessment of their real property and buildings located at 105-106 Quist Road, Town of Amsterdam, County of Montgomery, State of New York (S.B.L.: 56.3-1-11; 56.3-1-14); and,

WHEREAS, after a review of all relevant documentation, including open market purchase price, 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 Assessed Value from \$3,636,600.00 to \$1,505,000.00; and,

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

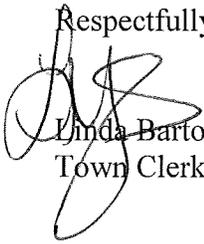
RESOLVED, that this judicial settlement is conditioned upon acceptance by the members of the Greater Amsterdam School District School Board of Education

Sponsored by: Councilman Bart Tessiero  
Seconded by: Councilman Kenneth Krutz  
ADOPTED-3-AYES-0-NOES

Supervisor DiMezza distributed the supervisor's report prior to monthly meetings.

On a motion by Councilman Kenneth Krutz; and seconded by Councilman Bart Tessiero; the meeting adjourned at 7:20 p.m.

Respectfully submitted,



Linda Bartone Hughes  
Town Clerk