March 21, 2012

A public hearing of the Amsterdam Town Board was held on Wednesday, March 21, 2012 at Town Hall, 283 Manny's Corners Road, Amsterdam, NY 12010.

Present:	Thomas P. DiMezza, Supervisor Bart Tessiero, Councilman Terry Bieniek, Councilman Alexander Kuchis, Councilman Linda Bartone Hughes, Town Clerk Charles R. Schwartz, Town Attorney Linda Bartone Hughes, Town Clerk
Absent:	Kenneth Krutz, Councilman
Others:	Stephen Kowalczyk, JoAnne Kowalczyk, Judy Stewart, Larry Rogers, Dave Thibodeau, Judy Stewart, Robert Wojturski, Paul Fryzel, Wayne Wnuk, News Media and others.

Supervisor DiMezza opened the public hearing at 6:55 p.m. regarding Setting Rules for Pawn Shops and Secondhand Dealers within the Town of Amsterdam.

No public comment.

The hearing adjourned at 6:56 p.m.

Respectfully submitted,

Linda Bartone Hughes
Town Clerk

March 21, 2012

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

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

Absent: Kenneth Krutz, Councilman

Others: Stephen Kowalczyk, JoAnne Kowalczyk, Judy Stewart, Larry Rogers, Dave Thibodeau, Judy Stewart, Robert Wojturski, Paul Fryzel, Wayne Wnuk, News Media and others.

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

Public Comment

Wayne Wnuk, 211 Waite Road, Amsterdam questioned whether anything is being done at 197 Waite Road. The tenants are stripping cars. There is a lot of green slime running in gutters. They also had a bomb fire in violation with open burning laws. Mr. Wnuk expressed concern how they are getting away with these things. Supervisor DiMezza said Zoning Officer DiCaprio states there are a lot of violations at this location. Supervisor DiMezza encouraged Mr. Wnuk to contact law enforcement. You could call Sheriff's Department or State Police. They can contact ENCON to check the chemicals in the ditch. You can also put a complaint in the NYS Department of Motor Vehicle so they can investigate.

44 Res. APPROVAL OF VOUCHERS, ABSTRACT #3

BE IT HEREBY RESOLVED, that the Town Board, Town of Amsterdam approves payment of Vouchers, Abstract #3 for March 2012.

Sponsored by: Councilman Bart Tessiero
Seconded by: Councilman Alexander Kuchis
ADOPTED-4-AYES-0-NOES

45 Res. APPROVAL OF MINUTES

BE IT HEREBY RESOLVED, that the Town Board, Town of Amsterdam approves minutes of February 15, 2012.

March 21, 2012

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

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

Absent: Kenneth Krutz, Councilman

Others: Stephen Kowalczyk, JoAnne Kowalczyk, Judy Stewart, Larry Rogers, Dave Thibodeau, Judy Stewart, Robert Wojturski, Paul Fryzel, Wayne Wnuk, News Media and others.

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

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BE IT HEREBY RESOLVED, that the Town Board, Town of Amsterdam approves payment of Vouchers, Abstract #3 for March 2012.

Sponsored by: Councilman Bart Tessiero
Seconded by: Councilman Alexander Kuchis
ADOPTED-4-AYES-0-NOES

45 Res. APPROVAL OF MINUTES

BE IT HEREBY RESOLVED, that the Town Board, Town of Amsterdam approves minutes of February 15, 2012.

Sponsored by: Councilman Bart Tessiero
Seconded by: Councilman Alexander Kuchis
ADOPTED-4-AYES-0-NOES

The Town Board held a public hearing regarding Local Law No. 1 with no public comments. The law was given out last month and minor changes were made by Attorney Charles Schwartz.

46 Res. ADOPTION OF LOCAL LAW NO. 1 OF 2012

BE IT HEREBY RESOLVED, that the Town Board, Town of Amsterdam adopts Local Law No. 1 of 2012 setting forth rules for Pawn Shops and Secondhand Dealers within the Town of Amsterdam.

Sponsored by: Councilman Bart Tessiero
Seconded by: Councilman Alexander Kuchis
ADOPTED-4-AYES-0-NOES

47 Res. JUDICIAL SETTLEMENT RESOLUTION

WHEREAS, by tax grievance action entitled *COLUMBIA AMH GROUP, LLC. v. TOWN OF AMSTERDAM, et al.*, Index #2011-619, petitioner sought a reduction of the real property tax assessment of their three story medical office building located at 5010 State Highway 30, Town of Amsterdam, County of Montgomery, State of New York (S.B.L.: 39.8-1-18.3); 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 assessed value from Two Hundred Fifty Five Thousand Dollars ($255,000.00) to Two Hundred Twenty Five Thousand Dollars ($225,000.00), which results in a reduction of Thirty Thousand Dollars ($30,000.00) 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 School Board of Education.

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Sponsored by: Councilman Alexander Kuchis
Seconded by: Councilman Bart Tessiero
ADOPTED-4-AYES-0-NOES

48 Res. APPROVAL OF 2012 POLL SITE TERMS AND AGREEMENT WITH MONTGOMERY COUNTY BOARD OF ELECTIONS

BE IT HEREBY RESOLVED, that the Town Board, Town of Amsterdam approves 2012 Poll Site Terms and Agreement with Montgomery County Board of Elections.

Sponsored by: Councilman Terry Bieniek
Seconded by: Councilman Alexander Kuchis
ADOPTED-4-AYES-0-NOES

Supervisor DiMezza reports the Fall Trash Collection has not been very productive. Supervisor DiMezza suggested canceling the Fall Collection. This would save some money. The Town Board agreed.

49 Res. CANCEL TOWN OF AMSTERDAM ANNUAL FALL TRASH DAY

BE IT HEREBY RESOLVED, that the Town Board, Town of Amsterdam cancels the Town of Amsterdam Annual Fall Trash Day.

Sponsored: Councilman Bart Tessiero
Seconded by: Councilman Terry Bieniek
ADOPTED-4-AYES-0-NOES

Councilman Kuchis asked if they were inspected to see if they are up-to-date? Supervisor DiMezza said the Zoning Officer didn't note any changes.

50 Res. APPROVAL OF JUNKYARD PERMITS

BE IT HEREBY RESOLVED, that the Town Board, Town of Amsterdam approves the following Junkyard Applications:

Manny's Auto Parts, McQuade Road
Peterson's Garage, Midline Road
Bill's Auto Part's Inc, Route 67
Kacz's, 770 Cranes Hollow Road

Sponsored by: Councilman Terry Bieniek
Seconded by: Supervisor Thomas DiMezza
ADOPTED-4-AYES-0-NOES

51 Res. DISCUSSION REGARDING SEWER SERVICE AREA VII EXTENSION GOLF COURSE ROAD SUBDIVISION

BE ITH HEREBY RESOLVED, that the Town Board, Town of Amsterdam approves discussions of Sewer Service Area VII Extension – Golf Course Road Subdivision

Sponsored by: Councilman Bart Tessiero
Seconded by: Councilman Alexander Kuchis
ADOPTED-4-AYES-0-NOES

Councilman Tessiero questioned what are they doing for water? Mr. Larry Rogers said they are already in the water district.

52 Res. PUBLIC HEARING ROUTE 30 SEWER SERVICE AREA PHASE VII EXTENSION GOLF COURSE ROAD SUBDIVISION

WHEREAS, the Town of Amsterdam established a Sewer Service Area known as the Route 30 Sewer Service Area which is located generally along NYS Route 30 in the Town of Amsterdam; and

WHEREAS, a petition for the creation of a sanitary sewer extension to be known as the "Route 30 Sewer Service Area Phase VII (Golf Course Road Subdivision)" in the Town of Amsterdam, Montgomery County, New York, dated March 5, 2012, was presented to the Town of Amsterdam Town Board together with a Map, Plan and Report and Sanitary Sewer Report prepared by competent engineers duly licensed by the State of New York; and

WHEREAS, the boundaries of the proposed sewer service area extension are shown on Attachment A and include approximately 62.4 acres described as Montgomery County Tax Parcel 24.-2-46.111; and

WHEREAS, the proposed improvements include approximately 5,140 linear feet of 8" gravity sewers, 1,240 linear feet of 4" forcemain, and 460 linear feet of 6" forcemain to be constructed within the proposed subdivision, along with two pump stations and other necessary appurtenances including valves and service connections. In addition, approximately 2,400 linear feet of 6" forcemain will be constructed in the Golf Course Road Montgomery County right-of-way to conduct the wastewater to the terminal manhole of the Town's existing sanitary sewer system; and

WHEREAS, the Town of Amsterdam will assume ownership and responsibility of the sewer mains, pump stations and appurtenances after completion of construction and approval of the system by NYSDEC and the Town Engineer; and

WHEREAS, all costs for the Route 30 Sewer Service Area Phase VII Extension including construction, engineering, surveying, legal and administrative costs, will be entirely borne by the project developer at no cost to the Town of Amsterdam or to the typical property owner. The Town will assume no debt service associated with this project; and

WHEREAS, the estimated first year cost to the typical residential user in the Route 30 Sewer Service Area Phase VII Extension is $526.68; and

WHEREAS, the estimated cost of connection fees is $225.00 for residential meters; and

WHEREAS, the Route 30 Sewer Service Area Phase VII Extension Map, Plan and Report and the Golf Course Road Sanitary Sewer Report are on file in the Office of the Town Clerk, located at 283 Manny's Corners Road, Town of Amsterdam;

BE IT HEREBY RESOLVED:

1. The Town Board of the Town of Amsterdam sets a public hearing to be held on April 18, 2012 at 6:55 p.m. at the Town of Amsterdam Town Hall to consider the Petition for the proposed Route 30 Sewer Service Area Phase VII Extension (Golf Course Road Subdivision.)

2. The attached Notice shall be published pursuant to law.

Sponsored by: Councilman Alexander Kuchis
Seconded by: Councilman Terry Bieniek
ADOPTED-4-AYES-0-NOES

Late Items

Dave Thibodeau, Highway Supervisor reports he was speaking with Town of Mohawk about their plans for replacing equipment at their Highway Department. They had an opportunity to purchase a $38,000 pickup truck for $24,000. If you get in a routine of doing this every couple of years we could actually make money. We started last year with the loader and hoping to turn that over in two years. I would like to start with a pickup truck. Superintendent Thibodeau asked the Town Board to talk about it and let him know their feelings. Supervisor DiMezza said it would roughly cost $9,000 plus cost of plow. Councilman Tessiero asked how many miles on the truck? The current truck is four years old with 33,000 miles. Councilman Kuchis asked if this is off State Contract. Superintendent Thibodeau said it's a better deal than State Contract. Supervisor DiMezza said its $12,000 below market price in two to three years you trade it and get your money back or make money. It's just a suggestion for the Town Board to think about.

Councilman Kuchis asked if anything has been done regarding the code enforcement complaint on Northern Boulevard. Supervisor DiMezza said he believes it's been taken care of.

Supervisor DiMezza reports the County is cutting back on plowing contracts. The Board Members made some good comments. The Town still has to purchase 75% of salt even though we didn't use it. This is a problem, we have no choice. We have a bill today for about $20,000 for salt. It's very expensive to run the trucks. We still had to go out several times even though we didn't have a lot of snow. We didn't spend as much on overtime but we also need to upkeep our equipment. The trucks don't come cheap. The Town has never asked for fuel increases. Supervisor DiMezza said he will vote against the resolution. Councilman Kuchis asked if we received an increase in recent years? Supervisor DiMezza said yes. Councilman Tessiero said the reversal is when it's a bad winter we don't ask for extra money. We take what we get and plow the roads to expectations of people. Supervisor DiMezza said we have a nursing home on a hill with three shifts so we need to have them out at night and in the morning.

Larry Rogers, Delaware Engineering reports we will start working at Pioneer Street Mill to get this work complete and finalized. Councilman Tessiero asked if majority of money will come from funding? Mr. Rogers said 90% funded. Councilman Kuchis questioned if any excess topsoil is available from Panera Bread Site? Supervisor DiMezza doesn't believe anything is left. If there are any projects, we will take the topsoil. Councilman Tessiero expresses this about a year ago. Mr. Rogers said we didn't have funding back then.

On a motion by Councilman Terry Bieniek and seconded by Councilman Alexander Kuchis; the meeting adjourned at 7:23 p.m.

Respectfully submitted,

Linda Bartone Hughes
Town Clerk