



MAUREEN G. NARDACCI
City Clerk

CITY OF RENSSELAER

OFFICE OF THE CITY CLERK

CITY HALL
62 WASHINGTON STREET
RENSSELAER, NEW YORK 12144

(518) 462-4266
Fax: (518) 462-0890

MEMORANDUM

TO: TOM CAPUANO, D.P.W. COMMISSIONER
JEFFRY JACKSON, ASSESSOR
CLAIRE DALTON, CIVIL SERVICE SECRETARY
DANIEL DWYER, MAYOR
MARIANNE OGREN, MAYOR'S SECRETARY
MARYBETH PETTIT, PLANNING DIRECTOR
RICK FUSCO, CHIEF OF POLICE
JIM FRANKOSKI, DEPUTY CHIEF OF POLICE
RICH BERHAUPT, PURCHASING
SUSAN LUPIAN, TREASURER
MARY CRAMER, DEPUTY WATER COMMISSIONER
DAN DWYER, JR., YOUTH DIRECTOR
JANE CHIRGWIN, LIBRARIAN
PHIL FOUST, FIRE CHIEF
CHARLES SEMOWICH, HISTORIAN

FROM: JANICE A. PRESTI, DEPUTY CITY CLERK

DATE: JULY 7, 2011

RE: RESOLUTIONS FROM MARCH 17, 2010
COMMON COUNCIL MEETING

**ATTACHED, PLEASE FIND SIGNED COPIES OF THE
RESOLUTIONS PASSED AT THE COMMON COUNCIL MEETING
HELD ON WEDNESDAY MARCH 17, 2010**

**IF YOU HAVE ANY QUESTIONS PLEASE FEEL FREE TO
CONTACT ME.**

**CITY OF RENSSELAER
COMMON COUNCIL MEETING
WEDNESDAY EVENING
REGULAR MEETING
JULY 6, 2011**

THE COUNCIL CONVENED AT 7:14 P.M. AND WAS CALLED TO ORDER BY PRESIDENT ADALIAN.

THE ROLL BEING CALLED, THE FOLLOWING ANSWERED TO THEIR NAMES:

PRESIDENT ADALIAN

ALDERPERSON: WEBBER	ALDERPERSON: STALL - ABSENT
VAN VORST	CASEY
ELACQUA	MOONEY
POOLE	VANDYKE
TAGLIENTO	

ABSENT: STALL.

ALDERPERSON POOLE MOVED THAT THE MINUTES BE ADOPTED AS PRINTED, SUBJECT TO CORRECTIONS, SECONDED BY ALDERPERSON TAGLIENTO.

AYES: WEBBER, VAN VORST ELACQUA, POOLE, TAGLIENTO, CASEY, MOONEY, VANDYKE AND ADALIAN.

NOS: NONE.

ABSENT: STALL.

PRESIDENT ADALIAN DECLARED THIS MOTION DULY ADOPTED.

BIDS: NONE.

CLAIMS: Transmontaigne Terminaling, Inc. vs. City of Rensselaer Assessor

PETITIONS: Concerned neighbors of house at 60 Fowler Avenue

DEPUTY CITY CLERK PRESTI, REPORTS THAT THE MAYOR HAS APPROVED ALL RESOLUTIONS PASSED AT THE LAST COUNCIL MEETING.

A MOTION WAS MADE BY ALDERPERSON MOONEY TO AMEND THE AGENDA AND ADD RESOLUTION # SECONDED BY ALDERPERSON WEBBER.

10) A RESOLUTION SCHEDULING A PUBLIC HEARING TO DISCUSS PROPOSED 2011 – 2012 CITY BUDGET.

VOTE TO AMEND AGENDA:

AYES: WEBBER, VAN VORST ELACQUA, POOLE, TAGLIENTO, CASEY, MOONEY, VANDYKE AND ADALIAN.

NOS: NONE.

ABSENT: STALL.

PRESIDENT ADALIAN DECLARED THIS MOTION DULY ADOPTED.

A MOTION WAS MADE BY ALDERPERSON ELACQUA TO ADJOURN AT 7:25 PM SECONDED BY ALDERPERSON POOLE.

VOTE TO ADJOURN: WEBBER, VAN VORST, ELACQUA, POOLE, TAGLIENTO, CASEY, MOONEY, VANDYKE AND ADALIAN.

NOES: STALL.

THE PRESIDENT DECLARED THIS MOTION DULY ADOPTED.

NEXT MEETING: JULY 20, 2011



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AGENDA FOR THE COMMON COUNCIL MEETING

JULY 6, 2011

1. A RESOLUTION AUTHORIZING THE USE AND CONTROL OF RIVERFRONT PARK FOR WEEKLY MUSIC CONCERTS.
2. A RESOLUTION TO APPOINT COMMISSIONER OF DEEDS TO FREDERICK M. FUSCO, JAMES R. FRANKOSKI, TERRI HANSEN, WARREN FAMIGLIETTI AND ANTHONY NAGENGAST.
3. A RESOLUTION TO SCHEDULE A PUBLIC HEARING TO AMEND LOCAL LAW NO, 4 OF 1988 CHAPTER 136 PEDDLING AND SOLICITING.
4. A RESOLUTION TO TRANSFER FUNDS FOR THE TREASURY DEPARTMENT.
5. A RESOLUTION FOR "NO PARKING HERE TO CORNER" SIGN ON EAST STREET (IN FRONT OF FULLER'S BAR), 15 FT. FROM CORNER OF EAST AND WILLOW STREETS.
6. A RESOLUTION TO TRANSFER FUNDS FOR DEPARTMENT OF PUBLIC WORKS.

7. A RESOLUTION TO TRANSFER FUNDS FOR THE YOUTH DEPARTMENT.
8. A RESOLUTION TO TRANSFER FUNDS FOR THE WATER DEPARTMENT.
9. A RESOLUTION AUTHORIZING PAYMENT TO THE TOWN OF EAST GREENBUSH.
10. A RESOLUTION SCHEDULING A PUBLIC HEARING TO DISCUSS THE CITY OF RENSSELAER PROPOSED 2011-2012 CITY BUDGET

By Alderperson : Van Vorst

Seconded by Alderperson : _____

#1 **A RESOLUTION AUTHORIZING THE USE AND CONTROL OF RIVERFRONT PARK FOR WEEKLY MUSIC CONCERTS**

WHEREAS, the Rensselaer Kiwanis is desirous of using Riverfront Park to host the summer "Music In The Park" Program, and

WHEREAS, it has been the custom of this City to permit such use of the park.

NOW, THEREFORE, BE IT RESOLVED that the Rensselaer Kiwanis be granted use of Riverfront Park and control of vendors delivering services in the park during weekly concerts for "Music In The Park" every Tuesday evening, starting on July 5, 2011 and ending on August 30, 2011 from 6:00 p.m. to 8:00 p.m., and

BE IT FURTHER RESOLVED, that such permission is conditioned upon the delivery of a Certificate of Insurance to the Corporation Counsel of the City of Rensselaer, evidencing liability coverage in an amount not less than One Million Dollars (\$1,000,000.00), and specifically indemnifying the City on account of the activities planned, and

BE IT FURTHER RESOLVED, that a Rensselaer County Department of Public Health permit be received by the Corporation Counsel as well.

Approved as to form and sufficiency
this 6th day of July 2011

Corporation Counsel

Approved by:

David DeWeger
Mayor

Resolutionmusic070611

MARION WEBBER
JAMES VAN VORST
PHIL ELACQUA
GRETCHEN POOLE
DOMINICK TAGLIENTO
BRIAN STALL
JAMES CASEY
RICHARD MOONEY
MARGARET VANDYKE
HARRY ADALIAN

AYES	NOES
✓	
✓	
✓	
✓	
✓	
✓	
✓	
✓	
✓	
✓	
4	0

Total

By Alderperson : Council As A Whole

Seconded by Alderperson : _____

#2 **A RESOLUTION TO APPOINT COMMISSIONER OF DEEDS TO
FREDERICK M. FUSCO, JAMES R. FRANKOSKI, TERRI
HANSEN, WARREN FAMIGLIETTI, AND ANTHONY
NAGENGAST**

WHEREAS, the Rensselaer Common Council has the power to reappoint Commissioners of Deeds for a term of two (2) years from the date of their appointment, and

WHEREAS, it is beneficial to the citizens of Rensselaer, NY to have certain persons appointed Commissioner of Deeds.

NOW, THEREFORE, BE IT RESOLVED, that the following persons be and they are hereby reappointed Commissioner of Deeds, with a term commencing forthwith and ending July 31, 2013:

Frederick M. Fusco, Chief of Police
201 Broadway
Rensselaer, NY 12144

James R. Frankoski, Deputy Chief
201 Broadway
Rensselaer, NY 12144

Anthony Nagengast/Sergeant
201 Broadway
Rensselaer, NY 12144

Terri Hansen, Detective
201 Broadway
Rensselaer, NY 12144

Warren Famiglietti, Sergeant
201 Broadway
Rensselaer, NY 12144

BE IT FURTHER RESOLVED, that the City Clerk is hereby authorized and directed to file a Certificate of Appointment for the aforesaid persons with the Rensselaer County Clerk and said Certificate shall specify the terms for which said Commissioner of Deeds shall have been appointed.

Approved as to form and sufficiency
this 6th day of July 2011

Corporation Counsel

Approved by:



Mayor

MARION WEBBER
JAMES VAN VORST
PHIL ELACQUA
GRETCHEN POOLE
DOMINICK TAGLIENTO
BRIAN STALL
JAMES CASEY
RICHARD MOONEY
MARGARET VANDYKE
HARRY ADALIAN

Total

AYES	NOES
✓	
✓	
✓	
✓	
✓	
✓	
✓	
✓	
9	0

**A LOCAL LAW TO AMEND LOCAL LAW #4 OF 1988
CHAPTER 136
PEDDLING AND SOLICITING**

LOCAL LAW NO. 4 OF 2011

§ 136-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

CANVAS and CANVASSEER

Shall be considered synonymous with the terms "solicit" and "solicitor."

COMPANY

Any association of individuals, partnerships, firms, corporations, societies or any other organization.

MERCHANDISE, GOODS, WARES, LABOR or SERVICES

Includes all personal property, provisions, items or products intended to be sold and all types of labor or personal services to be rendered.

PEDDLE

To go personally from house to house, from store to store, from place to place or from street to street or to deal out, distribute or dispense, to sell and make immediate delivery or to offer for sale and delivery any merchandise, goods, wares or provisions in possession of the seller, or labor or personal services, at any place within the City of Rensselaer other than from a fixed place of business, but shall not include mailing.

PEDDLER

Any person or company who peddles, as herein defined. The words "peddler," "hawker" and "huckster" are considered synonymous terms.

PERSON

Only a natural person, whether a resident of the City of Rensselaer or not.

SOLICIT

To go from house to house, from store to store, from place to place or from street to street to sell or take orders for goods, wares, merchandise or provisions for future delivery or for labor or services to be performed at any place within the City of Rensselaer or to distribute advertising matter, but shall not include mailing.

SOLICITOR

Any person or company who solicits as herein defined.

STATIONARY LOCATION

Includes any point or distance within 0.3 of a mile in all directions of a stationary location.

§ 136-2. License required.

It shall be unlawful for any person or company to peddle or solicit within the City of Rensselaer without having first obtained a valid license therefore as provided herein.

§ 136-2 License required.

§ 136-3 Information required on license application.

An application for a license shall contain the following information:

A. The name and description of the applicant. Copy of appropriate identification such as photo identification, driver's license or passport, a photocopy of which shall be retained by the City of Rensselaer.

B. The address of the applicant (local and legal).

C. A brief description of the nature of the business and the kind of goods or property to be peddled or solicited.

D. If employed by the owner of a licensed vehicle, the name and address of such employer, together with credentials establishing the exact relationship.

E. If for a vehicle license, a description of the vehicle, together with the license number or other means of identification.

F. If the applicant is a company, the name and address and title of the officer of the company or if a limited liability company the name and address of the member (s) upon whom process or other legal notice may be served.

G. Social Security Number.

H. A Statement as to whether or not the applicant has been convicted of a felony, misdemeanor, or local law violation, the nature of the offense or violation, the penalty or punishment imposed, the date when and place where such offense occurred, and other pertinent details thereof;

I. Proof of possession of any license or permit which, under federal, state or local law or regulations, the applicant is required to have in order to conduct the proposed business, or which, under any such law or regulation, would exempt the applicant from the permitting requirements of this article;and

J. Two unmounted, unaltered photographs of himself/herself in such position as to show the head and shoulders of the applicant in a clear and distinguishing manner. Photographs shall have been taken within 60 days preceding the filing of his/her application, and shall measure two inches by two inches.

§ 136-4 Investigation of application; issuance of licenses; records.

§ 136-5 Fees; expiration of license.

A. The following fees shall be paid, on application to the City Clerk:

(1) For each person, corporation or limited liability company proposing to peddle or solicit, whether on foot or from a licensed vehicle, the filing fee shall be \$50.

The annual fee herein provided for shall be assessed on a yearly basis, and all licenses shall expire on the 31st day of December next succeeding the date of issuance.

§ 136-6 Issuance of permit; replacement.

A. To each person, company, or limited liability company or corporation licensed under this chapter, the City Clerk shall issue a written permit which shall bear the words "peddler or solicitor," the number of the license and the calendar year for which the license is issued, in figures plainly discernible. Such permit shall be kept on the person of the licensee or, if a company or corporation, its employee or agent during such time as said licensee is plying his trade.

B. To each person licensed under this chapter who loses his permit issued by the City Clerk, the City Clerk shall issue a replacement, upon said person's submitting an affidavit setting forth the facts surrounding the loss of said permit. They shall pay a fee of \$25.00. for a replacement.

§ 136-7 Possession and display of license.

Every peddler, solicitor or vendor licensed under this chapter shall have his license in his immediate possession at all times when peddling or soliciting and shall display the same upon demand of any person.

§ 136-8 Nontransferability of license.

No license, license plate or badge issued under the provisions of this chapter may be transferred from one person to another person or from one vehicle to another vehicle, nor shall the badge so issued be used or worn at any time by any other person than the one to whom it was issued.

§ 136-9 Use of stationary locations restricted.

No peddler, solicitor or vendor shall have any exclusive right to any location in the public streets, nor shall any be permitted a stationary public location, nor shall be permitted to operate for longer than 10 minutes in any one public location. No peddler or solicitor shall peddle or solicit within 1000 feet of The Walter S. Pratt Memorial Playground (Baby Pool) on East Street.

§ 136-10 Prohibited acts.

A. It shall be unlawful for any person to engage in peddling or soliciting before the hour of 9:00 a.m. of any day or after the hour of 7:00 p.m. of any day.

B. It shall be unlawful for any peddler or solicitor in plying his trade to enter upon any premises or property or to ring the bell or knock upon or enter any building whereon there is painted or otherwise affixed or displayed to public view any sign containing any or all of the following words: "No peddlers," "No solicitors," "No agents" or other wording, the purpose of which purports to prohibit peddling or soliciting on the premises.

C. No peddler or solicitor shall peddle, vend or sell his goods or wares within 200 feet of any church or place of worship or any place occupied exclusively as a public or private school or for school purposes, nor shall be permit his cart, wagon or vehicle to stand on any public highway within said distance of such school property.

§136-10 B. Denial of Permit.

A. Upon the Police Chief's or his designee review of the application, he may refuse to issue a permit to the applicant under this article for any of the following reasons:

1. The location and time of peddling would endanger the safety and welfare of the peddlers or their customers;
2. An investigation reveals that the applicant falsified information on an application.

3. No permit shall be issued to a person who has been convicted of a felony within a period of five years prior to an application for such permit. The Chief of Police or his designee may deny the issuance of a permit if the results of his/her investigation reveal a criminal history which, in his/her opinion, demonstrates a likelihood that the applicant may victimize citizens of the City if such permit is issued. The provisions of Articles 23 and 23-A of the New York State Corrections Law shall be considered by the Chief of Police or his designee during his review of the applicant's history;
4. The applicant is a person against whom a judgment based upon, or conviction for, fraud, deceit or misrepresentation has been entered within the five years immediately preceding the date of the application.
5. The applicant offers no proof of authority to serve as an agent; or
6. The applicant has been denied a permit under this article within the immediate past year, unless the applicant can and does show the satisfaction of the Clerk that the reasons for such earlier denial no longer exist.
7. The applicant has had a permit revoked in the last 3 years.
8. The Clerk's disapproval and the reasons for disapproval shall be noted on the application, and the applicant shall be notified that his/her application is disapproved and that no permit will be issued. Notice shall be mailed to the applicant at the address shown on the application form, or at the applicant's last known address.

§136-10 C **Permit Revocation.**

Any permit issued under this article may be revoked or suspended by the Chief of Police or his designee or the City Clerk after notice and hearing, for any of the following reasons:

1. Fraud, misrepresentation or false statement contained in the application for a permit;
2. Fraud, misrepresentation or false statement made by the permittee in the course of conducting peddling activities;
3. Conducting peddling activities contrary to the provisions in the permit;
4. Conviction for any crime involving moral turpitude; or
5. Conducting peddling activities in such a manner as to create a public nuisance constitute a breach of the peace or endanger the health, safety or general welfare of the public.

§136-10 D **Aggressive Solicitation.**

No person shall request a donation of money or thing of value, or solicit or peddle in an aggressive manner, to be defined as follows:

1. Intentionally or recklessly making physical contact with or touching another person in the course of the solicitation without consent.
2. Following the person being solicited if that conduct is reasonably likely to intimidate the person being solicited or put the person in fear of harm or a criminal act.
3. Continuing to solicit with full knowledge of the person being solicited after that person has made a negative response and has asked the solicitor to discontinue.
4. Intentionally or recklessly blocking the safe or free passage of the person being solicited whether on foot, or in a vehicle, or other means of transportation.
5. Using obscene or abusive language or gestures while soliciting a person.
6. Soliciting within 15 feet of a bank, or automated teller machine, during hours of business or operation, without the expressed consent of the owner of the property.

§ 136-11 Use of scales or measures.

If the applicant for a peddler's, solicitor's or Vendor's license uses scales or measures in his business, he shall also file with his application for a license a certificate issued by the Rensselaer County Sealer of Weights and Measures that his scales or measures have been tested and sealed.

§ 136-12 Exemptions.

A. Religious, charitable, educational and not-for-profit organizations, political associations and the Rensselaer City School District, shall be exempt from the provisions of this chapter.

B. The provisions of §§ 136-2 to 136-8, inclusive, of this chapter shall not apply to the peddling of farm produce by persons who produce such commodities. This exemption shall apply only to natural persons and shall not be construed to include farmers or other persons who buy goods for resale, as well as selling their own produce, or to any helper or employee of such exempt person.

§ 136-13 Entering privately owned buildings.

It shall be unlawful for any solicitor or peddler, either licensed or unlicensed, to enter any privately owned building for the purpose of selling merchandise without receiving a request by the owner or lessee of that property inviting the peddler or solicitor to enter upon that building for the purpose of making a sale.

§ 136-14 Enforcement.

It shall be the duty of any police officer of the City of Rensselaer to:

- A. Require any person seen peddling or soliciting, and who is not known by such police officer to be duly licensed, to produce his peddler's or solicitor's license.
- B. Enforce the provisions of this chapter against any person found to be violating the same.

§ 136-15 Revocation or suspension of license.

A. Licenses issued under the provisions of this chapter may be revoked by the Chief of Police his designee or the City Clerk of the City of Rensselaer after notice and hearing for any of the following causes:

- (1) Fraud, misrepresentation or false statement contained in the application for a license.
- (2) Fraud, misrepresentation or false statement made in the course of carrying on his business as a peddler or solicitor.
- (3) Any violation of this chapter.
- (4) Conviction of any crime or misdemeanor involving moral turpitude.
- (5) Conducting the business of peddling in an unlawful manner or in such a manner as to constitute a menace to the health, safety or general welfare of the public.

B. Notice of a hearing for revocation of a license shall be given in writing, setting forth specifically the grounds of the complaint and the time and place of hearing. Such notice shall be mailed, postage prepaid, to the licensee at his last known address at least five days prior to the date set for hearing.

C. The City Clerk, upon receiving information giving him reasonable cause to believe that the holder of any license issued hereunder has violated any provisions of this chapter or has been convicted of any violation referred to in this section or indicted or charged with or for any crime or offense or has been convicted of any crime or offense, may forthwith temporarily suspend such license until a hearing is held by him as provided herein and the City Clerk shall have issued his determination thereon.

D. The Chief of Police or his designee may deny a license based on causes or creates a problem or interferes with general public, any event or other vendors.

§ 136-16 Appeals.

Any person aggrieved by the action of the Police Department or the City Clerk in the denial of the application for license as provided in § 136-4 of this chapter or in the decision of City Clerk with reference to this revocation of a license as provided in § 136-15 of this chapter shall have the right to appeal to the Common Council of the City of Rensselaer. Such appeal shall be taken by filing, within 14 days after notice of the action complained of has been mailed to such person's last known address, a written statement setting forth fully the grounds of such appeal. The Common Council shall set a time and place for a hearing or such appeal, and notice of such hearing shall be mailed to the applicant at his last known address at least five days prior to the date set for the hearing. The decision and order of the Common Council on such appeal shall be final and conclusive.

§ 136-17 Penalties for offenses.

Any person committing an offense against any provision of this chapter shall be guilty of a violation punishable by a fine not exceeding \$250 or by imprisonment for a term not exceeding 15 days, or by both such fine and imprisonment. The continuation of an offense against the provisions of this chapter shall constitute, for each day the offense is continued, a separate and distinct offense hereunder.

§136-28 Severability.

The provisions of this article are declared to be severable. If any section, sentence, clause, or phrase thereof shall for any reason be held to be invalid or unconstitutional by a court of competent jurisdiction, such decisions shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this article, but they shall remain in effect; it being the legislative intent that this article shall remain in effect notwithstanding the validity of any part.

ARTICLE 11 VENDORS

§136-29 Definitions.

As used in this article, the following terms shall have the meanings indicated:

CLERK

CHIEF OF POLICE OR HIS DESIGNEE

GOODS, WARES, MERCHANDISE

Fruits, vegetables, arm products or provisions, dairy products, fish, game, poultry, meat, plants, flowers, appliances, wearing apparel, jewelry, ornaments, artwork, cosmetics and beauty aids, health products, medicines, household needs, or furnishings, food of any kind, whether or not for immediate consumption, confections, or drinks.

MOTOR VEHICLE

Any vehicle used for displaying, storing, or transporting articles for sale by a vendor which is required to be licensed and registered by the state clerk of motor vehicles of any state.

PUBLIC SPACE

All City-owned parks and City-owned property within street rights-of-way, including any roadways and sidewalks.

PUBLIC WAY

All areas legally open to public use such as public streets, sidewalks, roadways, highways, parkways, alleys, parks, as well as the area surrounding and immediately, adjacent to public buildings.

PUSHCARTS

Any wheeled vehicle approved by the Clerk in accordance with this article designed for carrying property and for being pushed by a person without the assistance of a motor or motor vehicle.

SIDEWALK

All that area legally opens to public use as a pedestrian public way between the curblin and the legal building line of the abutting property.

SPECIAL EVENT

Any occasion, including but not limited to fairs, shows, exhibitions, City-wide celebrations, and festivals taking place within a specifically defined area of the municipality for a period of time not to exceed three days.

STAND

Any showcase, table, bench, rack, handcart, pushcart, stall or any other fixture or device that is used for the purpose of displaying, exhibiting, carrying, transporting storing, selling or offering for sale any food, beverages, goods, wares or merchandise upon a sidewalk.

STREET

All that area legally open to public streets, and sidewalks, roadways, highways, parkways, alleys and any other public way.

VEHICLE

Every device in, upon, or by which a person or property may be transported or drawn upon a street or sidewalk, including, but not limited to, devices moved by human power,

VENDOR

Any person, traveling by foot, wagon, vehicle or any other type of conveyance from street to street carrying, conveying, or transporting goods, wares or merchandise and offering and exposing them for sale, or making sales and delivering articles to purchasers; or who, without traveling from place to place, exhibits, displays, sells or offers for sale such products from a wagon, handcart, pushcart, motor vehicle, conveyance or displays, sells or offers for sale such products from a wagon, handcart, pushcart, motor vehicle, conveyance or from his person while on the public ways of the City; includes any street vendor, hawker, huckster, itinerant merchant or transient vendor. This definition does not include a door-to-door peddler or solicitor, nor does this definition include a "sidewalk sale" of an established business, nor a "garage sale", "lawn sale", nor "estate sale", as they are commonly know, at a private residence.

It shall be unlawful for any person to engage in the business of vending unless he has first obtained a license from the City Clerk. All licenses shall be issued according to regulations established by the Common Council.

§136-31 **Application for License**

The application for a vending license shall contain, at a minimum, the following:

1. The applicant's full name, current address, telephone number, and proof of identity in the form of appropriate photo identification such as drivers license or passport, a photocopy of which shall be retained, together with two unmounted, unaltered photographs of himself/herself in such position as to show the head and shoulders of the applicants in a clear and distinguished manner. Photographs shall have been taken within 60 days preceding the filing of his/her application, and shall measure two inches by two inches and social security number.
2. A brief description of the nature, character and quality of goods, wares or merchandise to be offered for sale.
3. The specific location, if any, in which the vendor intends to conduct business.
4. If the applicant is employed by another, the name and address of the person, firm, association, organization, company or corporation.
5. If a motor vehicle is to be used, a description of the vehicle together with the motor vehicle registration number and license number.
6. A complete listing of any other licenses or permits issued to the applicant by the municipality within the five years immediately preceding the date of the application.
7. A statement as to whether or not the applicant has been convicted of a felony, misdemeanor, or local law violation, the nature of the offense or violation, the penalty or punishment imposed, the date when and place where such offense occurred, and other pertinent details thereof.
8. The City of Rensselaer may require a criminal history of the applicant via finger print submission every 3 years at the cost of the applicant.

§136-32 **Use of City Parks or Facilities.**

1. If the applicant wishes to utilize a City Park or other facility, the applicant may, in the discretion of the Youth Director be required to fill out and execute a use of municipal facilities form and provide proof of applicable insurance. Having a City Vendors permit does not automatically entitle a Vendor to go into a sponsored event unless he/she has permission from the organization to be there.

§136-33

Application Review: Issuance of Permit.

1. Applications for a license required by this article with photographs attached shall forthwith be sent to the Chief of Police or his designee if not already in his possession.
2. The applicant shall be notified in writing by the City Clerk of the decision to issue or deny the vending license not later than 10 days after the applicant has filed a completed application, or as soon as practicable. The reasons for denial set forth in §136-10B of this chapter shall apply to this section unless otherwise superseded by this article.
3. Upon satisfactory fulfillment of the requirements of this article, there shall be issued to the applicant, by the Clerk a license which shall be in such form as to contain a photograph and signature of the licensee.
4. Each license shall show the vendor license number, name of the vendor, address, signature, type of vehicle, vehicle plate number date of issue and expiration date of permit.

§136-34

Special Events.

1. Having a vendors permit from the City of Rensselaer does not automatically entitle a Vendor to go into a privately sponsored event in Riverfront Park or any other park in the city.

§136-35

License Fee.

Any Vendor granted a license under this article shall pay an annual license fee of \$100.00 for a period of one year (1).

§136-36

Notification of Name or Address Change.

All vendors shall assure that a current and correct name; residence address and mailing address are on file with the City Clerk. Whenever either the name or address provided by a licensed vendor On his application for a vending license changes, the licensee shall notify the City Clerks Office in writing within 10 days of such change and provide the same with the name change or address change.

§136-37

Hours of Operation

Vendors shall be allowed to engage in the business of vending only between the hours of 9:00 a.m. and 9:00 p.m. unless given special permission for special events. No vending station, conveyance or other item related to the operation of a vending business shall be located on any City sidewalk or other public way during nonvending hours. Nor shall any vehicle be parked, stored or left overnight other than in a lawful parking place.

§136-38

Littering and Trash Removal.

Vendors shall keep the sidewalks, roadways and other spaces adjacent to their vending sites or locations clean and free of paper, peelings and refuse of any kind generated from the operation of their businesses. All trash or debris accumulating within 10 feet of any vending stand shall be collected by the vendor and deposited in a trash container.

§136-39

Vending Restrictions.

No vendor shall be permitted to operate in the following areas of public space:

1. Within five feet of any street intersection or pedestrian crosswalk.
2. Within 10 feet of any driveway, loading zone or bus stop.
3. Within 20 feet of another vending location assigned to another vendor on a public sidewalk.
4. Within a minimum of five feet of unobstructed pedestrian space.
5. In any area within 10 feet of a building entrance or exit.
6. On the median strip of a divided roadway.
7. Against display windows of fixed location businesses.
8. Any area within 50 feet of a school.
9. Within 30 feet of any fire hydrant or fire escape.

10. Within 15 feet of any parking space or access ramp designated for persons with disabilities.
11. Within 1000 feet of the Walter S. Pratt Memorial Playground (Baby Pool) East Street.

§136-40

Prohibited Conduct.

No person authorized to engage in the business of vending under this article shall do any of the following:

1. Unduly obstruct pedestrian or motor vehicle traffic flow, except for up to 15 minutes to load or unload vending stations and/or vending merchandise.
2. Obstruct traffic signals or regulatory signs.
3. Stop, stand or park any vehicle, pushcart or any other conveyance upon any street for the purpose of selling during the hours when parking, stopping and standing have been prohibited by signs or curb markings.
4. Leave any conveyance unattended at any time or store, park, or leave such conveyance in a public space overnight.
5. Use any conveyance that when fully loaded with merchandise cannot be easily moved and maintained under control by the licensee, his employee, or an attendant.
6. Sound any device that produces a loud and raucous noise or operate any loudspeaker, public address system, radio, sound amplifier, or similar device to attract public attention, or otherwise violate applicable noise restrictions in this City Code; or.
7. Conduct his business in such a way as would restrict or interfere with the ingress or egress of the abutting property owner or tenant, create a nuisance, increase traffic congestion or delay, constitute a hazard to traffic, life or property, or obstruct adequate access to emergency and sanitation vehicles.

§139-41

Suspension and Revocation of License

In addition to the penalties contained in this article, a license issued pursuant hereto may be suspended for:

1. Fraud, misrepresentation or knowingly false statement contained in the application for the license.

2. Fraud, misrepresentation or knowingly false statement in the course of carrying on the business of vending.
3. Conducting the business of vending in such a manner as to create a public nuisance, cause a breach of the peace, constitute a danger to the public health, safety, welfare or morals, or interfere with the rights of abutting property owners; or
4. Conducting the business of vending in any manner contrary to the condition of the license.
5. Cancellation of health authorization for a food or beverage vending unit due to uncorrected health or sanitation violations.

The City Clerk shall provide written notice of the suspension or revocation in a brief statement setting forth the complaint, the grounds for suspension or revocation, and notifying the licensee or permittee of his right to appeal. Such notice shall be mailed to the address shown on the license holder's application by certified mail, return receipt requested.

If the Chief of Police, his designee or the City Clerk revokes a vending license or permit, the fee already paid for the license or permit shall be forfeited. A person whose license or permit has been revoked under this section may not apply for a new license for a period of one (1) year from the effective date of revocation.

§136-42 **Appeals.**

If the Chief of Police, his designee or the City Clerk denies the issuance of a license or permit, suspends or revokes a license or permit, or orders the cessation of any part of the business operation conducted under the license or permit, the aggrieved party may appeal the Chief of Police, his designee or the City Clerk's decision to the Common Council following the same procedures as set forth in §136-16 of this chapter.

§136-43 **Renewals.**

A vending license may be renewed, provided an application for renewal and license fees are received no later than the expiration date of the current license. Any application received after that date shall be processed as a new application. The Chief of Police, or his designee and the City Clerk shall review each application for renewal and, upon determining that the applicant is in full compliance with the provisions of this article, shall issue a new license.

§136-44 **Penalties for Offenses.**

Violation of any of the provisions of this article shall, upon conviction, be punishable by a fine up to \$250.00 and/or 15 days in jail.

§136-45 **Construction.**

No part of this article or the article itself shall be construed to be an amplification or derogation of the rights or responsibilities of abutting property owners. Any remedies rights or obligations provided to such property owners or their successors in interest under the law of real property or the laws of the State of New York shall be in addition to the remedies, rights, obligations or penalties provided hereunder.

§136-46 **Severability.**

The provisions of this article are declared to be severable. If any section, sentence, clause, or phrase thereof shall for any reason be held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining section, sentences, clauses, and phrases of this article, but they shall remain in effect, it being the legislative intent that this article shall remain in effect notwithstanding the validity of any part.

By Alderperson : Van Dyke

Seconded by Alderperson : _____

#4 A RESOLUTION TO TRANSFER FUNDS FOR THE TREASURY DEPARTMENT

The Council has deemed it necessary to transfer funds in the Treasury Department for the part-time accountant to prepare the year end closing.

The Council hereby authorizes the Treasurer to make the following transfer in the 2010-2011 budget.

FROM:

A1325-01-07	Part time Clerk	\$750.00
	TOTAL	\$750.00

TO:

A1325-01-03	Part time Accountant	\$750.00
	TOTAL	\$750.00

Approved as to form and sufficiency
this 6th day of July 2011

Corporation Counsel

David J. Dwyer

Mayor

MARION WEBBER
JAMES VAN VORST
PHIL ELACQUA
GRETCHEN POOLE
DOMINICK TAGLIENTO
BRIAN STALL
JAMES CASEY
RICHARD MOONEY
MARGARET VANDYKE
HARRY ADALIAN

	AYES	NOES
	✓	
	✓	
	✓	
	✓	
	✓	
	✓	
	✓	
	✓	
	✓	
Total	9	0

TO: John Hicks
 FROM: Susan Luper
 DATE: 6/17/11
 RE: Interdepartmental Transfer of Funds

Susan
 " Hopefully
 JL gg4

Due to the following reason I am requesting that the following funds be transferred within my departments budget.

for year end closing preparation

Below are the lines I wish to transfer:

From:	Line #	Description	Amount
	A1325-0107	Part time Clerk	750.00

To:	Line #	Description	Amount
	A1325-0108	Part time Accountant	750.00
	A1325-0103		

By Alderperson: ELACQUA

Seconded By Alderperson: COMMON COUNCIL

#5

**A RESOLUTION SCHEDULING A PUBLIC HEARING FOR A
"NO PARKING HERE TO CORNER" SIGN ON EAST STREET
(IN FRONT OF FULLER'S BAR), 15 FT. FROM CORNER OF
EAST AND WILLOW STREETS**

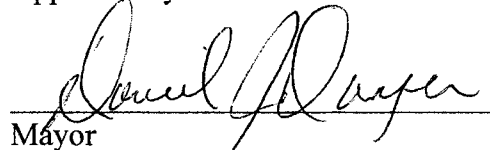
WHEREAS, the Common Council is desirous of scheduling a public hearing for a **"NO PARKING HERE TO CORNER"** sign on East Street (in front of Fuller's Bar), 15 ft. from corner of East and Willow Streets, and

NOW, THEREFORE, BE IT RESOLVED, that a Public Hearing be scheduled to discuss this issue on July 20, 2011 immediately following the public speaking portion of the regularly scheduled Common Council meeting.

Approved as to form and sufficiency
This 6th day of July 2011


Corporation Council

Approved by:


Mayor

*vote to amend:
Elacqua/Adalian*

*main issue
Adalian*

	AYES	NOES
MARION WEBBER	✓	
JAMES VAN VORST	✓	
PHIL ELACQUA	✓	
GRETCHEN POOLE	✓	
DOMINICK TAGLIENTO	✓	
BRIAN STALL	<i>absent</i>	
JAMES CASEY	✓	
RICHARD MOONEY	✓	
MARGARET VANDYKE	✓	
HARRY ADALIAN	✓	
Total	9	0

	AYES	NOES
MARION WEBBER	✓	
JAMES VAN VORST	✓	
PHIL ELACQUA	✓	
GRETCHEN POOLE	✓	
DOMINICK TAGLIENTO	✓	
BRIAN STALL	<i>absent</i>	
JAMES CASEY	✓	
RICHARD MOONEY	✓	
MARGARET VANDYKE	✓	
HARRY ADALIAN	✓	
Total	9	0

By Alderperson : Tagliento

Seconded by Alderperson :

#6 **A RESOLUTION TO TRANSFER FUNDS FOR THE DEPARTMENT OF PUBLIC WORKS**

The Council has deemed it necessary to transfer funds in the Department of Public Works for emergency services for sewer repair behind Doane Stuart for American Evergreen.

The Council hereby authorizes the Treasurer to make the following transfer in the 2010-2011 budget.

FROM:

A5510-01-05	Longevity	\$8,427.00
	TOTAL	\$8,427.00

TO:

A8120-04-03	Sewer Repairs	\$8,427.00
	TOTAL	\$8,427.00

Approved as to form and sufficiency
this 6th day of July 2011

MARION WEBBER
JAMES VAN VORST
PHIL ELACQUA
GRETCHEN POOLE
DOMINICK TAGLIEN TO
BRIAN STALL
JAMES CASEY
RICHARD MOONEY
MARGARET VANDYKE
HARRY ADALIAN

AYES	NOES
✓	
✓	
✓	
✓	
✓	
✓	
✓	
✓	
✓	
✓	
9	0

Total

Corporation Counsel

Mayor

ResolutiontransDPW070611

TO: *John -*
 FROM: *Susan Liguori*
 DATE: *6/24/11*

Domestic Requests

RE: Interdepartmental Transfer of Funds

Due to the following reason I am requesting that the following funds be transferred within my departments budget.

Emergency services for sewer repair behind Dohne Stuart for American Emergency

Below are the lines I wish to transfer:

From:	Line #	Description	Amount
	<i>A 5110-0105</i>	<i>Emergency</i>	<i>8427.00</i>

To:	Line #	Description	Amount
	<i>X 8120-0403</i>	<i>sewer repair</i>	<i>8427.00</i>

Booke to Approver

TO:
FROM: John Dickie, Esq.
DATE: June 24th, 2011
RE: Interdepartmental Transfer of Funds

Due to the following reason I am requesting that the following funds be transferred within my departments budget.

To accept two (2) checks for the Youth Dept.:
Harold O'Neil Post # 11683 for \$200.⁰⁰
Berselmer City, Democratic Comm. for \$100.⁰⁰

Below are the lines I wish to transfer:

Revenue:

From:	Line #	Description	Amount
	A 0600-2750-0001	Specific Auto and Donations	\$300. ⁰⁰
		Total	\$300. ⁰⁰

Expenditure:

To:	Line #	Description	Amount
	A 7020-0405-000	Summer Prog. Expenses	\$300. ⁰⁰
		Total	\$300. ⁰⁰

By Alderperson : Van Vorst

Seconded by Alderperson : _____

#8 A RESOLUTION TO TRANSFER FUNDS FOR THE WATER DEPARTMENT

The Council has deemed it necessary to transfer funds in the Water Department due to issues with backup generator, debt to East Greenbush and to compensate D.P.W. for help needed for water breaks.

The Council hereby authorizes the Treasurer to make the following transfer in the 2010-2011 budget.

FROM:

F8320-04-01	Rebuild Pump	\$1,000.00
F8320-04-06	Purchase Water for Resale	100,000.00
F8340-01-04	Heavy Equipment	5,500.00
	TOTAL	\$106,500.00

TO:

F8320-01-02	Overtime – Cross St.	1,000.00
	Debt to East Greenbush	100,000.00
F8340-01-05	Overtime – Crew	5,500.00
	TOTAL	\$106,500.00

Approved as to form and sufficiency
this 6th day of July 2011

- MARION WEBBER
- JAMES VAN VORST
- PHIL ELACQUA
- GRETCHEN POOLE
- DOMINICK TAGLIENTO
- BRIAN STALL
- JAMES CASEY
- RICHARD MOONEY
- MARGARET VANDYKE
- HARRY ADALIAN

AYES	NOES
✓	
✓	
✓	
✓	
✓	
✓	
✓	
✓	
✓	
✓	
9	0

Corporation Counsel
David J. Dwyer

Mayor

CITY OF RENSSELAER WATER DEPT.

TO: JIM VAN VORST, WATER DEPT CHAIRPERSON

FROM: MARY CRAMER, DEPUTY WATER COMMISSIONER *MC*

DATE: JUNE 23, 2011

RE: Water Dept. transfers

Due to the following reason(s), I am requesting that the following funds be transferred within my departments budget:

1. Do to the issues with the backup generator and pump, Ed Dillon needed to be available more than anticipated.
2. To help pay down debt to East Greenbush
3. To compensate for DPW help needed for water breaks

From:

Line#	Description	Amount
F 8320 0401	REBUILD PUMP	\$ 1,000.00
F 8320 0406	PURCH WATER FOR RESALE	\$ 100,000.00
F 8340 0104	HEAVY EQUIPMENT	\$ 5,500.00
Total		\$ 106,500.00

To:

Line#	Description	Amount
F 8320 0102	OVERTIME-CROSS ST	\$ 1,000.00
	DEBT TO EGB	\$100,000.00
F 8340 0105	OVERTIME-CREW	\$ 5,500.00
Total		\$ 106,500.00

By Alderperson : Van Vorst

Seconded by Alderperson : _____

#9

A RESOLUTION AUTHORIZING PAYMENT TO THE TOWN OF EAST GREENBUSH

WHEREAS, the City of Rensselaer and the Town of East Greenbush entered into a joint water agreement in May of 2011, and

WHEREAS, said agreement requires the City of Rensselaer to reimburse the Town of East Greenbush for existing debt service payments, and

WHEREAS, the Town of East Greenbush has submitted to the City of Rensselaer three (3) invoices for said reimbursement, copies of which are annexed hereto.

NOW, THEREFORE, BE IT RESOLVED, that the Treasurer of the City of Rensselaer be authorized to pay the Town of East Greenbush the sum of Six Hundred Thirty Four Thousand Five Hundred Sixty Dollars and Ninety-two Cents (\$634,560.92).

Approved as to form and sufficiency
this 6th day of July 2011

Corporation Counsel

David J. Meyer

Mayor

MARION WEBBER
JAMES VAN VORST
PHIL ELACQUA
GRETCHEN POOLE
DOMINICK TAGLIENTO
BRIAN STALL
JAMES CASEY
RICHARD MOONEY
MARGARET VANDYKE
HARRY ADALIAN

	AYES	NOES
	✓	✓
	✓	✓
	✓	✓
	✓	✓
	✓	✓
	✓	✓
	✓	✓
	✓	✓
	✓	✓
Total	4	0

ResolutionEGwaterbill070611



INVOICE

DATE: June 1, 2011
INVOICE # 2011-01

The Town of East Greenbush

COMPTROLLER'S OFFICE
225 Columbia Turnpike Rensselaer, New York 12144 (518) 477-6461 FAX (518) 477-2386
Tax Exemption #14-6002167

Bill To:
City of Rensselaer

62 Washington Ave
Rensselaer, Ny 12144

DESCRIPTION	AMOUNT
Reimbursement of Existing Debt Service Payments 12/31/2008 - 3/1/2011	\$ 193,460.00
TOTAL	\$ 193,460.00

143



INVOICE

DATE:
INVOICE #

June 1, 2011
2011-02

The Town of East Greenbush

COMPTROLLER'S OFFICE
225 Columbia Turnpike Rensselaer, New York 12144 (518) 477-6461 FAX (518) 477-2386
Tax Exemption #14-6002167

Bill To:
City of Rensselaer

82 Washington Ave
Rensselaer, Ny 12144

DESCRIPTION	AMOUNT
Reimbursement of Existing Debt Service Payments - Remaining Balance 12/31/2008 - 3/1/2011	\$ 384,808.00
TOTAL	\$ 384,808.00

243



INVOICE

DATE: June 1, 2011
INVOICE # 2011-03

The Town of East Greenbush

COMPTROLLER'S OFFICE
225 Columbia Turnpike Rensselaer, New York 12144 (518) 477-6461 FAX (518) 477-2386
Tax Exemption #14-6002167

Bill To:
City of Rensselaer

62 Washington Ave
Rensselaer, Ny 12144

DESCRIPTION	AMOUNT
Reimbursement of June 1, 2011 Debt Service Payment Per Joint Water Agreement	\$ 56,292.92
TOTAL	\$ 56,292.92

Feb 10, 2011

Summary of Capital Expenditures for Joint Water System Improvements 2008-2011

Water Tank, Emergency Pump, New Pump Drives and Engineering

Contract Work	Contractor	Contract Amount	Expenditure	Less Credit*1	City of Rensselaer Cost Share
1 Water Storage Tank	Prelude, Inc	\$5,033,300	\$4,856,220.15		\$2,428,110.08
2 Emergency Pump	Lash Contracting, Inc	\$951,500	\$942,041	-\$260,000	\$341,020.50
3 Electrical Contract	JJ Sass Electrical	\$134,855	\$134,855	-\$10,000	\$62,427.50
4 Engineering/Inspection	Delaware Engineering	\$146,400	\$146,400	-\$6,370	\$70,015.00
5 New Pump Drives	O'Connell Electric	\$474,189	\$474,189		\$237,094.50
6 Engineering/Inspection	HV LaBarba & Assoc	\$44,455	\$44,455		\$22,227.50
Totals		\$6,784,699.00	\$6,598,160.15	-\$276,370.00	\$3,160,895.08 *2

*1 Amounts shown here involve work related to EG only

*2 does not include interest from October 2008 to February 2011

By Alderperson : Council As A Whole

Seconded by Alderperson : _____

#10

A RESOLUTION SCHEDULING A PUBLIC HEARING TO DISCUSS PROPOSED 2011 – 2012 CITY BUDGET

WHEREAS, the City of Rensselaer is desirous of scheduling a Public Hearing to discuss the proposed 2011 – 2012 City Budget.

NOW, THEREFORE, BE IT RESOLVED that a Public Hearing be scheduled to discuss the proposed City Budget on July 20, 2011, immediately following the public speaking portion of the regularly scheduled Common Council meeting.

Approved as to form and sufficiency
this 6th day of July 2011

[Signature]
Corporation Counsel

Approved by:

[Signature]
Mayor

*Vote to amend:
Mooney/Adalian*

*main issue:
Mooney/Adalian*

MARION WEBBER
JAMES VAN VORST
PHIL ELACQUA
GRETCHEN POOLE
DOMINICK TAGLIENTO
BRIAN STALL
JAMES CASEY
RICHARD MOONEY
MARGARET VANDYKE
HARRY ADALIAN

	AYES	NOES
MARION WEBBER	✓	
JAMES VAN VORST	✓	
PHIL ELACQUA	✓	
GRETCHEN POOLE	✓	
DOMINICK TAGLIENTO	✓	
BRIAN STALL	<i>Adrian</i>	
JAMES CASEY	✓	
RICHARD MOONEY	✓	
MARGARET VANDYKE	✓	
HARRY ADALIAN	✓	
Total	9	0

MARION WEBBER
JAMES VAN VORST
PHIL ELACQUA
GRETCHEN POOLE
DOMINICK TAGLIENTO
BRIAN STALL
JAMES CASEY
RICHARD MOONEY
MARGARET VANDYKE
HARRY ADALIAN

	AYES	NOES
MARION WEBBER	✓	
JAMES VAN VORST	✓	
PHIL ELACQUA	✓	
GRETCHEN POOLE	✓	
DOMINICK TAGLIENTO	✓	
BRIAN STALL	<i>Adrian</i>	
JAMES CASEY	✓	
RICHARD MOONEY	✓	
MARGARET VANDYKE	✓	
HARRY ADALIAN	✓	
Total	9	0