

OFFICIALS
OF THE
CITY OF MECHANICVILLE, NEW YORK

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2013

City Council

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Commissioner of Accounts, C. MARK SEBER
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Commissioner of Public Works, DAVID HIGGINS
Commissioner of Public Safety, TIMOTHY HIPWELL
City Attorney, VAL SERBALIK, ESQ.

PREFACE

The Mechanicville City Code, consisting of the City Charter and general legislation in the form of City Ordinances, was last updated in the year 2000. Prior to then, the last comprehensive update was completed in 1968. The Code, minutes of meetings, and information regarding various City actions and activities is available in print form and online at the City's website (www.mechanicville.com) To insure accuracy and ease of public access, the Code will henceforth be updated online on a periodic basis, upon enactment of revisions and/or amendments.

The 2013 Code incorporates the amendments and revisions enacted from the year 2000 to the year 2012, together with additional legislation enacted per this 2013 revision.

The most recent revisions have been proposed and enacted as a result of consultations, input, and recommendations from all elected and appointed City Officials, including the Mayor and Commissioners, Police and Fire Chiefs, Code Enforcement Officer, Civil Service Commissioner, and members of the Planning Board and Zoning Board of Appeals.

MECHANICVILLE CITY COUNCIL

HISTORY

The City of Mechanicville's history is almost as old as the history of the United States. In 1714 the area saw the first Dutch settlers come into the valley. Some came and established a small hamlet which they called "a Borough of Halfmoon." The borough, as it was called, consisted of 12 houses and a schoolhouse and was established along the King's Highway, which is now Main Street. Swatts, Cuerdon, Gates and Bailey were the family names of the first settlers.

In 1828 the Champlain Canal came to Mechanicville and portions of the canal were opened in 1830. Prosperity came with the canal, as well as many inhabitants. Mechanicville's early growth can be laid in great part to the arrival in 1831 of Job B. Viall, who came to the community as Superintendent of the Fairbanks and Bullen Cotton Factory. He purchased some land and erected several houses and a store. He purchased the entire section of land known as "North Mechanicville" (Saratoga Avenue, Viall Avenue and Round Lake Avenue) and subdivided the area into building lots. By 1835 his lots and his mill had brought many settlers into the community and wealth to the inhabitants.

The village had growing pains in 1859, and a committee of nine men petitioned the Court of General Sessions to incorporate "a village containing 977 inhabitants and consisting of 190 acres" as the Village of Mechanicville. On July 16, 1859, the Village of Mechanicville was incorporated under a general law of the state. Eleven years later, a special charter was passed by the legislature and the first election of officers was held under the new enactment.

DIVISION OF CODE

The Code is divided into two divisions. The first division includes the Charter of the City. The second division includes all legislation as Parts I and II. Part I, Administrative Legislation, contains all City legislation of an administrative nature, such as that dealing with the administration of government, that establishing or regulating municipal departments and that affecting officers and employees of the municipal government and its departments. Part II, General Legislation, contains all other City legislation of a regulatory nature.

RESERVED CHAPTERS

Space has been provided in the Code for the insertion, alphabetically, of later enactments. In the Table of Contents, the space appears as chapters entitled "(Reserved)." In the body of the Code, reserved space is provided by breaks in the page-numbering sequence between chapters.

APPENDIX

The Appendix of this Code is reserved for any material that the Council may wish to include.

DISPOSITION LIST

The Disposition List is a chronological listing of legislation that has been adopted since the publication of the 2013 revisions to the Code. The Disposition List will be updated with each supplement to the Code.

SUPPLEMENTATION

Supplementation of the Code will follow the adoption of new legislation. New legislation or amendments to existing legislation will be included and repeals will be indicated as soon as possible after passage.

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TITLE I
Short Title; Boundaries; Incorporation

§ 1. Short title.

This Act is a public act and shall be known and may be cited by the short title of "Mechanicville City Charter."

§ 2. Boundaries; powers, rights and liabilities.

The City of Mechanicville shall consist of the present Village of Mechanicville, and the boundaries of the City of Mechanicville shall be the present boundaries of the Village of Mechanicville, and said City of Mechanicville for all purposes of local administration and government is hereby declared to be coextensive with the territory of said Village of Mechanicville and described as follows:

Beginning at a point in the westerly bank of the Champlain Canal, over the center of the culvert under said canal, near the late residence of Lyman Dwight, deceased, and running thence due east to the center of the Hudson River; thence southerly, on and along the center of said river, to a point therein due east from the center of the mouth of the creek running under said canal and thence through the farm occupied by Andrew Hart to said river; thence due west to the center of the mouth of said creek; thence westerly up said creek, on and along the center thereof, to the northerly side of the highway known as the Waterford and Whitehall Turnpike; thence westerly, on and along the northerly side of said highway, to the westerly bank of said canal; thence northerly, on and along the westerly bank of said canal, to a point therein due east from a marble post set in the ground at the southeasterly corner of lands of Mrs. Martha Harris; thence due west to said marble post; thence westerly, on and along the southerly line of said Harris' lands, about three hundred and thirty-three feet to the southeasterly corner of lands formerly owned by William Leonard; thence northerly, in a straight line, to the center of the stump of a willow tree standing in the northwesterly corner of the old cemetery adjoining South Street in said village; thence northerly in a straight line to a point in the north side of the highway known as South Street in the Village of Mechanicville, said point being at right angles to and distant one hundred and fifty feet westerly from the east line of lands of the Hudson Valley Railroad Company produced southerly to said point; thence parallel to the east line of lands of the Hudson Valley Railroad Company and distant one hundred and fifty feet westerly from said line to a point where a line parallel with the westerly line of Eighth Avenue and distant one hundred feet westerly from said westerly line of Eighth Avenue, produced southerly, would intersect said point; thence northerly and parallel to the west line of Eighth Avenue and distant one hundred feet westerly from said westerly line of Eighth Avenue to a point one thousand feet northerly of the north line of Elizabeth Street; thence northerly to

the center of the Tenendaho Creek and the center of the bridge crossing said Tenendaho Creek at the northwesterly end of Round Lake Avenue and where said bridge connects Round Lake Avenue with Saratoga Avenue; thence easterly from the center of the bridge to the stone monument at the northwest corner of the old boundary line of the Village of Mechanicville; thence easterly, on a line parallel with and three hundred feet northerly from the northerly side of Saratoga Avenue, to the westerly side of Viall Avenue; thence along the westerly side of said Viall Avenue north, one degree west, one hundred and fifty-nine feet; thence north, twenty-eight degrees and twenty minutes east, five hundred and twenty-eight feet to the southerly line of lands formerly of A. E. Van Vechten, the same being also the division line between lands formerly of Myron Hulin and lands of Mary V. Swartout and sisters; thence along said division line south, sixty-one degrees and fifteen minutes east, fifteen hundred and nine feet to the westerly line of lands of the Boston and Maine Railroad Company; thence southerly along said line to a point three hundred feet northerly from the northerly side of Saratoga Avenue; thence easterly, on a line parallel with and three hundred feet northerly from the north side of Saratoga Avenue to the west bank of the canal; thence northerly, on and along the westerly bank of said canal, to the place of beginning.

- B. Said City of Mechanicville is hereby declared to be the successor corporation of said Village of Mechanicville, with all its lawful rights and powers and subject to all its lawful obligations and diminutions or enlargements, except as herein otherwise provided, and all the duties and affairs of the municipal and public corporation of said Village of Mechanicville are hereby devolved upon the Municipal Council of said City of Mechanicville so far as the same are applicable to said City and not herein otherwise specifically provided, to be exercised in accordance with the provisions of this Act.

§ 3. Name.

The City of Mechanicville, and the citizens who may from time to time reside therein, shall continue to be a municipal corporation in perpetuity under the name of the "City of Mechanicville."

§ 4. City may take and hold property for certain purposes.

The corporation may take, purchase, hold and convey real and personal property; it may take, by gift, grant, bequest and devise, and hold real and personal estate in trust for any purposes of education, art, health, charity or amusement, for parks, gardens and grounds for the burial of the dead or other public use and for the erection of statues, monuments and public buildings, upon such terms as may be prescribed by the grantor or donor and accepted by the corporation; it may provide for the proper execution of such trusts; and it may do everything necessary to carry into effect the powers granted to it.

TITLE II
City Officers; Powers and Duties Generally

§ 5. Officers designated; officers to constitute City Council. [Amended by L.L. No. 2-1924; L.L. No. 3-19452]

The officers of the City shall be as follows: the Mayor, Commissioner of Accounts, Commissioner of Finance, Commissioner of Public Works and Commissioner of Public Safety. The terms of said officers shall be four years. The Mayor and said four Commissioners shall constitute the Council of the City, and said Council shall, except as otherwise provided by this Charter, be vested with all the legislative powers of the City.

§ 6. Term limits. [Added by L.L. No. 1-1994]

- A. It is hereby declared to be the public policy of the City of Mechanicville to limit to eight consecutive years the time elected officials can serve as Mayor or Commissioner so that our elected representatives are citizen representatives who are responsive to the needs of the people and are not career politicians.
- B. Notwithstanding any provision to the contrary contained in this Charter, no person shall be eligible to be elected to or serve in the office of Mayor or Commissioner if that person had previously held the office Mayor and/or Commissioner for two or more full consecutive terms, unless one full term or more has elapsed since that person last held any such office; provided, however, that in calculating the number of consecutive terms a person has served, only terms commencing on or after January 1, 1996, shall be counted.

§ 7. Election of officers. [Amended by L. 1921, c. 74; L.L. No. 3-1924]

- A. All the elective officers of the City shall be chosen at a general municipal election, except as otherwise provided.
- B. The general municipal election shall be held on the first Tuesday succeeding the first Monday in November in every odd-numbered year.

§ 8. City to be governed by Commissioners; quorum; adoption of motions, resolutions and ordinances.

Said City shall be governed by the Commissioners so elected, each of whom shall have a right to vote on all questions coming before the Council. Three members shall constitute a quorum, and the affirmative vote of a majority of the entire Council shall be necessary to adopt any motion, resolution or ordinance or pass any measure, unless a greater

number is provided for under this Act. Every motion, resolution or ordinance shall be reduced to writing and read before the vote is taken thereon.

§ 9. Mayor. [Amended by LL No. 1 – 2006]

- A. The Mayor shall be ex-officio Commissioner of Public Affairs and shall be responsible for the enforcement of the laws of the state applicable to the City, the provisions of this Charter and the ordinances of the City. The Mayor shall preside at the meetings of the Council.
- B. The Mayor shall execute in the name of the City all contracts, bonds or other instruments requiring the assent of the City, except as otherwise provided in the Local Finance Law. All legal processes against the City shall be served upon the Mayor or, in the Mayor's absence, upon the Commissioner of Accounts.
- C. The Mayor shall be charged with the general oversight of all departments, boards and commissions of the City. The Mayor shall be an ex officio member of each board or body created or authorized by this Charter or by the ordinances of the City.
- D. The Mayor shall have the right to vote on all questions coming before the Council. The Mayor shall have such other rights and powers as may be provided by ordinance not in conflict with this Charter.
- E. The Mayor shall supervise all public utilities not owned and managed directly by the City and shall have general supervision of all public affairs otherwise herein provided for. The Mayor shall have the right to administer oaths. The Mayor shall have charge and supervision of the Police and Fire Departments.
- F. For all purposes of this Act, the Mayor shall be considered a Commissioner.
- G. The Mayor shall receive a yearly salary as determined by a majority vote of the City Council at the second regularly scheduled meeting of the City Council in the month of January. Such salary shall be payable monthly.

§ 10. Commissioner of Accounts. [Amended by LL No. 2 – 2006]

- A. The Commissioner of Accounts shall be Clerk of the Council at all its meetings.
- B. The Commissioner of Accounts' office shall be the place for filing of all City documents and records, chattel mortgages and such other legal papers and instruments required by the law, and the Commissioner of Accounts shall provide proper books, indices and fixtures and furniture for the suitable use of the public. The Commissioner of Accounts shall perform all the other duties which may or

shall be required of the City Clerk.

- C. The Commissioner of Accounts shall be the City Collector and shall be responsible for the proper and prompt collection of all taxes as provided by the laws of the state relating to collections, assessments, water and other rents, licenses, fees and all money due to the City from any source whatsoever.
- D. The Commissioner of Accounts may appoint a Deputy Commissioner of Accounts, and such Deputy Commissioner of Accounts shall perform such duties as may be assigned to him/her by the Commissioner of Accounts and shall also have all the powers and fulfill all the duties of the Commissioner of Accounts in the latter's absence. The salary of the Deputy Commissioner of Accounts shall be fixed by resolution of the Council. The Commissioner of Accounts may employ such other assistants as the Council may direct.
- E. The Commissioner of Accounts shall have a vote in the Council on all matters which may come before it. The Commissioner of Accounts shall give a proper surety bond to the City conditioned upon the faithful and honest performance of all of his/her duties. The Commissioner of Accounts shall devote all of his/her time to the business of the City, keeping regular hours, in an office provided by the City, at least 9:00 a.m. until 4:00 p.m. each weekday, except legal holidays, but during the tax collection periods the office shall be open for business on Saturdays, unless that day falls on a legal holiday, from 9:00 a.m. until 12:00 noon.
- F. The Commissioner of Accounts shall deposit all monies of the City in such banking institution in such proportions, in more than one, as may be decided by the Council.
- G. The Commissioner of Accounts shall receive a yearly salary as determined by a majority vote of the City Council at the first regularly scheduled meeting of the City Council in the month of January. Such salary shall be payable in accordance with a schedule approved by the City Council.

§ 11. Commissioner of Finance. [Amended by LL No. 3 – 2006]

- A. The Commissioner of Finance shall be ex officio City Treasurer, with the usual duties and powers of that office, and shall, under the power and control of the City Council, have the direct management of the revenue of the City, except as otherwise provided by this Charter or by local law or ordinance, and shall have custody of all moneys coming into possession of or belonging to the City.
- B. The Commissioner of Finance shall keep proper books of account so that the Council may at any time inform itself or its members as to the financial status of the City or of any department thereof. The Commissioner of Finance shall make

written reports at regular meetings of the Council and special detailed reports upon request from any member of the Council.

- C. Except in the case of welfare grants for home relief, the Commissioner of Finance shall disburse the City funds only upon the order of the Council by certificate of the Commissioner of Accounts, and the Commissioner of Finance shall take and file proper vouchers for the City for all payments made.
- D. The Commissioner of Finance may appoint a Deputy Commissioner of Finance. Such Deputy Commissioner of Finance shall perform such duties that may be assigned to him/her by the Commissioner of Finance and shall also have all the powers and fulfill all the duties of the Commissioner of Finance in the latter's absence.
- E. Except in the case of welfare grants for home relief, all checks or drafts shall be countersigned by the Commissioner of Finance and the Commissioner of Accounts or, in the absence of either, by his/her authorized Deputy Commissioner.
- F. The Commissioner of Finance shall give a proper surety bond to the City conditioned upon the faithful and honest performance of all his/her duties.
- G. The Commissioner of Finance shall receive a yearly salary as determined by a majority vote of the City Council at the first regularly scheduled meeting of the City Council in the month of January. Such salary shall be payable in accordance with a schedule approved by the City Council.
- H. The Commissioner of Finance shall prepare a proposed budget for the ensuing year and present the same to Council.

12. Commissioner of Public Works. [Amended by LL No. 4 – 2006]

- A. The Commissioner of Public Works shall have charge and supervision of all roads, streets, alleys, sidewalks, ditches and water flowing through, public improvements, waterworks, sewers, street paving, sidewalk construction, gutters, curbing, public buildings and real and personal property owned, leased or controlled by the City and not in charge of any other department. The Commissioner of Public Works shall make recommendations to the Council as to paving sidewalks and such other improvements as to him/her may seem advisable for the purpose of improving the appearance, comfort and safety of the City. The Commissioner of Public Works shall take charge of all construction work and shall be the inspector of all sewer, gas and water pipes and conduits, poles and wires, fixtures, fountains and fire plugs. The Commissioner of Public Works shall devote all of his/her time to the business of the City, keeping regular hours in an office provided by the City, at least 7:00 a.m. until 3:30 p.m. each weekday,

except legal holidays.

- B. The Commissioner of Public Works shall have the power to make arrests and/or issue appearance tickets] for offenses against the law and against City ordinances.
- C. The Office of Deputy Commissioner of Public Works may be appointed by the Commissioner of Public Works, and such Deputy Commissioner of Public Works shall perform such duties as may be assigned to him/her by the Commissioner of Public Works and shall also have the power and fulfill all the duties of the Commissioner of Public Works in the latter's absence. The salary of such Deputy Commissioner of Public Works shall be fixed by resolution of the Council. The Commissioner of Public Works may employ such other assistants as the Council, by resolution, may direct.
- D. The Commissioner of Public Works shall receive a yearly salary as determined by a majority vote of the City Council at the first regularly scheduled meeting of the City Council in the month of January. Such salary shall be payable in accordance with a schedule approved by the City Council.

§ 13. Commissioner of Public Safety. [Amended by LL 5 – 2006]

- A. The Commissioner of Public Safety shall have charge and supervision of the Sanitary, Health and Charity Departments and shall make all rules and regulations for the conduct thereof but not in conflict with the laws of the state or ordinances of the City. The Commissioner of Public Safety shall provide in all ways possible for the peace, safety, health, care, comfort and protection of the inhabitants of the City and of their property and shall recommend ordinances when advisable or necessary to the Council for such purposes.
- B. The Commissioner of Public Safety shall have the general supervision of all parks, playgrounds, parking and shade trees of the City and shall have full power to manage, improve, maintain and beautify the same.
- C. The Commissioner of Public Safety shall have charge and supervision of all youth programs of the City and of the Youth Recreation Committees of the City.
- D. The Commissioner of Public Safety shall receive a yearly salary as determined by a majority vote of the City Council at the first regularly scheduled meeting of the City Council in the month of January. Such salary shall be payable in accordance with a schedule approved by the City Council.
- E. The Commissioner of Public Safety may appoint a Deputy Commissioner of Public Safety. Such Deputy Commissioner of Public Safety shall perform such duties as may be assigned to him/her by the Commissioner of Public Safety and shall also have the powers and fulfill the duties of the Commissioner of Public

Safety in the latter's absence. Should the Commissioner of Public Safety appoint a Deputy Commissioner of Public Safety, with the consent of Council, the Deputy shall receive such salary as affixed by resolution of the Council.

§ 14. Civil Service Commission.

The Mayor with the approval of the City Council shall appoint Civil Service Commissioners. The Civil Service Commission shall be subject to the provisions of the New York State Civil Service Law and such amendments as may from time to time be made to it. The Commission shall prescribe, amend and enforce rules for the classification of the offices, places and employments in the public service of the City and for the appointments and promotions therein and examination therefore and for the registration and selection of laborers for employment therein.

§ 15. Office hours; membership in retirement system.

- A. It shall be the duty of each City Commissioner to maintain regular office hours sufficient for the proper transaction of the City business at such place or places as shall be designated by the Council, and each said Commissioner shall be responsible for the performance of all contract work undertaken by his/her department.
- B. The standard number of hours which constitutes a standard workday for the elected and appointed officials shall be as follows:

Position Hours

• Mayor	7
• Commissioner of Accounts	7
• Commissioner of Finance	7
• Commissioner of Public Safety	7
• Commissioner of Public Works	8
• City Attorney	7
• Code Enforcement Officer	8

- C. The hours as stated above will be the basis for reporting information to the New York State and Local Retirement System for the positions as listed above.

§ 16. Legislative powers vested in City Council.

All legislative, executive and judicial powers of the City shall extend to all matters of local and municipal government, it being the intent hereof that the specifications of particular powers by any other provision of this Charter shall never be construed as

impairing the effect of the general grant of powers of local government. All powers of the City shall, except as otherwise provided in this Charter, be vested in its Council, subject to distribution and delegation of such powers as provided in this Charter or by ordinance.

§ 17. Department employees.

Each department shall be entitled to such salaried employees as may be authorized by ordinance. The head of each department shall nominate all employees therein, but the appointments, except for Deputy Commissioners, shall be made by the City Council. The appointment of Deputy Commissioners shall be at the sole discretion of the Commissioner of that Department. Each Commissioner shall have the power of selecting and employing the personnel necessary for his/her department. Any and all employees in any department shall be subject to discharge by the Commissioner as the head of the department at any time, except as otherwise provided in this Charter. The salary or wages of any employee of the City shall cease immediately upon his/her discharge from such employment.

§ 18. Records and reports. [Amended by L.L. No. 2-1960]

Each of said Commissioners shall keep a record in which shall be recorded a brief but comprehensive record of all department affairs under his/her charge as soon as performed and shall at least annually render to the City Council a full report of all operations of such department. All such records shall be kept open for public inspection. The Council may provide for the publication of such reports as it may deem advisable. Each Commissioner shall also make and keep a complete inventory and permanent record of all the personal property of his/her department and what disposition, if any, has been made of the same.

§ 19. Newspaper and publication fees. [Amended by L.L. No. 1-1925]

All election notices or lists of candidates for office, department records, ordinances, charters or charter amendments, advertising, publicity of City affairs or other publications required or authorized by this Charter, by general law or by ordinance of the City of Mechanicville shall be paid for by the City at such rates as shall not in any event exceed the legal rate as fixed by the general law, and all other printing of books, pamphlets, bills, letterheads or other documents or printed matter required by the City shall be paid for at a price not exceeding the usual business rate therefor.

§ 20. Meetings of Council; adoption of ordinances and local laws; penalties for offenses.

- A. Regular meetings of the Council shall be held at such times as the Council shall prescribe by ordinance.

- B. The Council shall adopt ordinances regulating the method of conducting the different City departments.
- C. The Council shall from time to time enact ordinances and/or local laws, not inconsistent with or forbidden by the general laws of the state, regulating the highways and all other public places, the use to be made of the same and all privileges to be granted therein and is hereby authorized to change the method of such use from time to time as the public convenience demands; also ordinances and/or local laws to promote and preserve the public peace, health, safety and morals of said City and the benefit of trade and commerce; and ordinances and/or local laws regulating the exercise of its corporate powers and the performance of its duties and for licensing and regulating such business as it may deem expedient.
- D. The City Court of the City of Mechanicville shall have jurisdiction of all cases of violation of City ordinances and/or local laws, and the City may prosecute any persons or corporations for said violations, either by civil action or, where the offense is committed in the presence of a police officer, by summary arrest. An ordinance and/or local law imposing a penalty shall not take effect until ten days after its first publication in the official paper.

§ 21. Power of City over streets and public places; eminent domain. [Amended by L.L. No. 1-1940]

- A. Except as otherwise provided for by law, the City shall have full and complete control over its streets and highways, parks, public waters and other public places. It shall have power to lay out, enlarge and alter parks, markets, public grounds, public waters, streets and alleys and may cause them to be repaired, cleaned and watered. It may construct pavements, sidewalks, culverts, drains, sewers, receivers, aqueducts, wharves, piers, canals, slips, basins, water mains and gas mains. It may construct and operate a system of waterworks and a lighting plant for the City and its inhabitants. It may light the streets and public places and public buildings or contract for the lighting of them. It may acquire land by purchase, gift or eminent domain for any municipal purpose and erect buildings and other structures and do anything necessary to beautify the City or preserve or add to the safety, comfort and well-being of the City and its inhabitants. It shall maintain Fire and Police Departments and may maintain a Department of Public Welfare.
- B. The Council may make such prudential rules and regulations in relation to the use and supply of water and the collection of water rents as it shall, from time to time, deem to be necessary and shall establish rates and charges for the use of water.

§ 22. Official newspapers. [Amended by L.L. No. 2-1925; L.L. No. 3-1941]

The Council shall designate, annually in the month of January and at other times in its discretion, one or more newspapers, circulated in the City of Mechanicville for at least one year prior to the date of such designation and printed in the English language, to be the official newspaper or newspapers, in one or more of which there shall be published any or all local laws, ordinances, notices and other matter required to be published. In case of the designation of more than one official newspaper, the selection of one or more of such newspapers for the publication of any specific item shall rest in the discretion of the Mayor. If the Council shall fail to make such designation in any year, the official newspapers last designated shall continue to be such until another designation is made by the Council. If any matter shall be required to be published in a greater number of newspapers than those so designated, the Council may designate by resolution an additional newspaper or newspapers for the publication of such matter.

TITLE III

Finances; Taxation; Local Assessments and Improvements

§ 23. Power to raise money. [As reenacted by L. 1945, c. 839]

- A. The City shall have the power to raise money to defray the cost of carrying on of the municipal government, and for doing any of the things authorized by law, by general taxation, by local assessment where authorized and pursuant to the Local Finance Law.
- B. On all taxes, water rents and assessments not promptly paid the Council shall fix a gradually increasing rate of penalty to be added to the same for nonpayment.

§ 24. Duty of property owners as to improvements; failure to perform. [Amended by L.L. No. 3-1927]

- A. It shall be the duty of the owner or the occupant of any premises in the City, whenever such work shall be ordered by a resolution of the Council, to lay water, sewer and gas service pipes from the main pipes in the street in front of such premises to such point beyond the curb-line as the head of the Department of Public Works may determine.
- B. The Department of Public Works shall notify the owner or occupant of any premises in front of which any work shall be required to be done that if the same is not done by the owner or occupant within 10 days the same shall be done by the City and the expense thereof shall be assessed upon such premises. Such notice

may be served personally or by mailing the same. In case any such work shall not be done within the time specified in such notice, the Department of Public Works may cause such work to be done, and the expense thereof shall be a charge and lien upon and shall be assessed against said premises, but such notice may be dispensed with if, by agreement between such property holder or holders and the Commissioner of Public Works, such work shall be done and such installment shall be made by the City with the consent of the property holder, in which event such assessment shall be made as aforesaid.

§ 25. Power of Council to contract for improvements.

The improvement, grading, regarding, paving, repaving, macadamizing and graveling of streets and highways or any part thereof; the construction, extension, enlargement and repair of sewers, drains, wells, fire cisterns, culverts and bridges; the procuring of pumps and hydrants for fire purposes; erecting pumps and hydrants and laying such water pipes; and any other public improvements in or for said City may be contracted for by the Council as authorized herein.

§ 26. Special assessments.

- A. No special assessment shall be made unless prior to the adoption of the ordinance for the improvement the Council shall cause to be published notice of the intention to adopt such ordinance and of a public hearing thereon, which said notice shall state the estimated cost of such improvement and may include the estimated amount of damages to be paid therefore, if any, and the proposed proportion, method and area of such assessment. Such public hearing shall be held at the time and place specified in said notice not less than one week nor more than three weeks after the publication thereof but may be adjourned from time to time by said Council, and thereafter the Council may reject or adopt such ordinance and may change the proportion, method or area of such assessment as published, and such ordinance when adopted shall be published in the official paper or papers.
- B. The owner of any property affected by such proposed improvement or included within the area of assessment therefore fixed by said ordinance may be heard upon said public hearing or, if his/her property shall be then or thereafter so affected or included only by a change in the ordinance as adopted from the notice published or by a subsequent amendment, demand a hearing before the Council, and the Council shall grant such hearing within 10 days thereafter and shall have power to amend or repeal such ordinance, which, if amended, shall be again published as required by this section.

§ 27. Special tax credits and assessments. [Added by L.L. No. 3-1977]

Section 485-b of the Real Property Tax Law of the state provides certain real property tax exemptions for business improvements for a period of 10 years. Subdivision 7 of § 485-b allows a City, by enacting a local law, to reduce the per centum of exemption otherwise allowed pursuant to this section. For real property located in Mechanicville, the exemption granted by the Board of Assessment Review under § 485-b shall be 0%.

§ 28. Power of Board of Assessment Review. [Added by L.L. No. 4-1977]

The Board of Assessment Review shall have the power and be charged with the duty to carry out the purpose and intent of applicable laws of the state to grant to business facility owners' or operators' exemption from taxes and special ad valorem levies to the extent provided in aforesaid mentioned New York State laws. The Board of Assessment Review shall determine the assessed value of the exemption pursuant to such state laws and shall grant as an exemption 100% thereof for a maximum of 10 years for each eligible business facility.

§ 29. Costs of public improvements; assessment. [Amended by L.L. No. 5-1977]

- A. Upon the completion of any work for which an assessment has been authorized, the Council shall ascertain and determine the cost of any such work and the amount thereof to be assessed, adding thereto the amount of any damages which have been awarded, if any, and shall cause the Commissioner of Accounts to apportion such assessment in accordance with such ordinance.
- B. The Commissioner of Accounts shall make a report, in writing, of the assessment so made and deposit the same in his/her office and cause to be published in the newspaper in which ordinances are directed to be published, once each week for two consecutive weeks, a notice that the report has been completed and so deposited and that the Commissioner of Accounts will, at a time and place therein to be specified, not less than 10 days from the first publication of such notice, review and report, and that at such time and place the parties interested can be heard and the Commissioner of Accounts shall at such time and place hear the parties interested and thereafter review the report, correct the same where proper and sign and file the same in his/her office, with all the objections, in writing, which have been left with him/her by the parties interested. The Council shall thereupon confirm such assessment as provided in § 48.
- C. Any error, omission or inefficiency in any assessment or in the amount thereof may be corrected and any further expense properly chargeable thereto may be assessed by a reassessment or supplemental assessment in manner and form as aforesaid. In the event that any assessment or any part thereof shall be set aside by the court or be found or deemed to be illegal or incorrect, the Council may proceed in the manner provided by § 30 to adopt an ordinance for a reassessment

of the amount deemed necessary to be reassessed upon the property equitably chargeable therefor, and it may, by ordinance, ascertain and determine the amount so to be assessed, and the Commissioner of Accounts shall proceed thereunder to make such reassessment and the same shall thereafter be confirmed by the Council in the manner above provided in this action, and the Council shall also have the power to compromise and to cancel in whole or part such assessment as may be found or deemed to be illegal or incorrect as above provided.

§ 30. Discontinuance of streets; petition; procedure.

- A. Upon a petition of the owners of a majority of the front feet of land fronting upon any street or portion thereof, the Council may discontinue such public street or highway or portion thereof as shall appear to be unnecessary. Such petition must contain a description of the street or highway or part thereof proposed to be discontinued and be accompanied by a map showing the street or highway proposed to be discontinued and its connection with other streets or highways or, if only a part of a street or highway, then its connection with the remaining portion. Before acting thereon, such petition and map must be deposited with the Commissioner of Accounts, and the Council must cause to be published in the newspapers in which ordinances are directed to be published, once a week for three successive weeks, a notice that such petition has been received and that a map showing the proposed discontinuance and a description of the street or part of street proposed to be discontinued has been deposited with the Commissioner of Accounts and that, upon a day to be stated in such notice, at least 20 days after the first publication thereof, it will, if it deems proper, order such discontinuance to be made.
- B. Unless a majority in foot frontage of the owners of land fronting on such street shall on or before the day specified in said notice remonstrate against such discontinuance, the Council may, upon the day specified in said notice or upon a subsequent day to which the matter may be postponed, direct such discontinuance by an order, in writing, signed by at least four members, sealed with the Corporate Seal and filed in the office of the Commissioner of Accounts with the map accompanying such petition. The lines of the street shall thereupon conform to the change made by such discontinuance. The Council may, as a condition for the granting of such order of discontinuance, require the owners of the land within the street or part thereof to be discontinued to pay the expense of such proceeding.

§ 31. Advertising deemed part of expense.

The expense of advertising and printing, and compensation of all persons other than salaried City officers and employees necessarily employed in any proceeding under this title, is part of the expense thereof and shall be assessed as such.

§ 32. Council to fix amount of assessment.

The Council shall, unless otherwise provided by this Act, estimate and fix the amount of money to be raised by assessment.

§ 33. Preparation of assessment roll. [Added by L. 1943, c. 650]

The Assessor shall cause to be prepared, in manner and form as nearly as may be prescribed by the tax laws of the state, an assessment roll of all property within the City, and the Assessor shall, in addition to the information required by law, state separately the value of the land exclusive of the improvements thereon and the value of the land with the improvements thereon.

§ 34. Assessment of omitted property of preceding years. [Added by L. 1943, c. 650]

The Assessor shall, upon his/her own motion or upon the application of any taxpayer of the City, enter in the assessment roll of the current year any property shown to have been omitted from the assessment roll of the preceding year at the valuation of that year or, if not then valued, at such valuation as the Assessor shall determine for the preceding year. Assessments of special franchises that were omitted shall be entered at the valuation fixed and equalized by the Tax Commission.

§ 35. Completion of assessment roll; notice. [Added by L. 1943, c. 650; amended by L.L. No. 7-1945; L.L. No. 6-1986]

The Assessor shall complete the assessment roll on or before the first day of June in each year and shall deposit said roll in his/her office and cause to be published in an official newspaper a notice that the assessment roll is completed and on deposit in his/her office and that it may there be examined during the hours said office is regularly open for business during the 10 days next after the publication of said notice, and that the Board of Assessment Review will attend at the Assessor's office for the last two of said 10 days from 2:00 p.m. until 8:00 p.m. to review the assessments and make any corrections therein.

§ 36. Hearing of complaints. [Added by L. 1943, c. 650]

- A. The Board of Assessment Review or majority thereof shall attend at the place and during the times specified in such notice and hear and determine all complaints in relation to such assessments brought before it, and for those purposes it may adjourn from time to time. Such complainants shall file with the Assessor or Board of Assessment Review a statement, under oath, specifying the respect in

which the assessment complained of is incorrect, which statement must be made by the person assessed or whose property is assessed or by some person authorized to make such statement and who has knowledge of the facts stated therein. The Board of Assessment Review may administer oaths, take testimony and hear proofs in regard to any such complaint and the assessment to which it relates. If not satisfied that such assessment is erroneous, the Board of Assessment Review may require the person assessed, or his/her agent or representative or any other person, to appear before it and be examined concerning such complaint and to produce any papers relating to such assessment with respect to his/her property or his/her residence for the purpose of taxation.

- B. The Board of Assessment Review shall, after said examination, fix the value of the property of the complainant and for that purpose may increase or diminish the assessment thereof. If any such person, or his/her agent or representative, shall willfully neglect or refuse to attend and be so examined or to answer any material question put to him/her, such person shall not be entitled to any reduction of his/her assessments. Minutes of the examination of every person examined by the Board of Assessment Review upon the hearing of any such complaint shall be taken and filed in the office of the Assessor.

§ 37. Determination of complaints; correction and verification of tax roll. [Added by L. 1943, c. 650]

The Board of Assessment Review shall determine all complaints in relation to such assessments brought before it, and the Assessor shall correct and revise the assessment roll in accordance with the determinations of the Board of Assessment Review not later than five days after the closing of such hearings. Each revision shall be made in ink and shall be initialed by the Assessor. No erasure shall be made upon the assessment roll. Upon the closing of such hearings and the making of such corrections and revisions, the Assessor shall verify the assessment roll.

§ 38. Assessment of omitted property of current year. [Added by L. 1943, c. 650]

During the time of the reviewing of said roll and the hearing of complaints, the Assessor shall have the power to add to or insert in such assessment roll any property liable to assessment, and the valuation thereof, which may have been omitted from such roll, upon giving to the owner thereof or his/her agent personal notice of not less than three days to attend at the time and place therein stated to show cause why such assessment, correction of addition should not be made.

§ 39. Assessment for local improvements. [Added by L. 1943, c. 650]

The Board of Assessment Review shall in like manner assess the cost of local improvements ordered by the Council or other competent authority where the cost of such local improvement or any part thereof is made a charge upon the property deemed by it to be benefited thereby.

§ 40. Filing and confirmation of assessment roll. [Added by L. 1943, c. 650; amended by L. 1944, c. 523]

Upon verifying the assessment roll, the Assessor shall forthwith cause it to be filed in the office of the Commissioner of Accounts. The Council shall confirm said assessment roll, which shall thereupon be the assessment roll of the City. It is further provided that the assessments contained in said assessment roll shall be subject to review by certiorari as provided by the Tax Law.

§ 41. Delivery of copy of assessment roll to Board of Supervisors. [Amended by L. 1943, c. 650]

Upon confirming the assessment roll, the Council shall cause a copy thereof to be prepared and provided for the use of the Board of Supervisors of the County of Saratoga. The Council shall cause an abstract of said assessment roll to be prepared in form acceptable to said Board of Supervisors and delivered to the Supervisor of the City, who shall present it to said Board of Supervisors at the next succeeding meeting of said Board.

§ 42. Commissioner of Accounts to apportion tax; confirmation. [Amended by L. 1943, c. 640]

When the Council shall have fixed a tax or approved the amount of an assessment, the Commissioner of Accounts shall cause to be apportioned and extended the amount thereof opposite the several valuations of real property appearing in the assessment roll, in conformity as near as practicable with the provisions of law in respect to apportionment and extending of taxes by supervisors. When such apportionment shall be completed the Council shall confirm the same, and the day, hour and minute of such confirmation shall be entered in its ordinance book, and from the moment of such confirmation, the taxes so embraced in such roll, as apportioned, shall be the first lien upon the property of franchises respectively against which the same is levied.

§ 43. Collection of real property taxes. [Added by L.L. No. 2-1995; amended by L.L. No. 1-1997]

- A. The collection and enforcement of real property taxes shall be in accordance with the provisions of Real Property Tax Law Article 11.

- B. The City shall allow the payment of delinquent taxes in accordance to the provisions set forth in Real Property Tax Law § 1184 or subsequent applicable statute.
- C. Effective date. This amendment shall take effect after the public hearing, publishing and filing required by law.

§ 44. Acquisition of property for public purposes.

The City shall have power to take lands for public buildings, parks, public grounds, squares, streets, alleys, fountains, canals, basins, slips and other public water docks and for any other corporate purpose or object and to take proceedings to perfect its title where title has been acquired or attempted to be acquired and has been found to be invalid or defective, and the latter proceeding may be joined with any new proceeding for acquiring lands for a similar purpose.

§ 45. Taking of lands held by corporations or for public use.

Whenever any work or improvement authorized by this Act shall be undertaken, the City may take for the purpose thereof, as provided in this Act, lands held or used for public purposes by any corporation having the power of eminent domain or otherwise held or used for public purposes, but in such case only such interest or easement shall be taken as may be necessary for carrying out such work or improvement, and to that extent such taking is hereby authorized.

§ 46. Power of Council to sell; procedure. [Amended by LL No.1-2013]

Sales of parcels of real estate, other than parcels or portions thereof as described in subsection A., belonging to the City may, by resolution, of the Council, be sold by the Commissioner of Accounts, at public auction to the highest bidder after due notice published once a week for three weeks in the official City newspaper. The Council may, by resolution, direct the minimum bid which will be accepted for any parcel thus sold and that at least 15% of the amount bid shall be paid in cash at the time of the sale as security for the payment of the purchase price and that the balance of the amount bid shall be paid within 10 days after the sale when the deed will be ready for delivery and that all sales shall be made subject to the approval of the Mayor.

- A. The City Council, by 4/5 approval vote, after public hearing, may elect to sell, lease, option, or otherwise convey any interest or portion thereof, in City owned real property by sale, other than by public auction to the highest bidder, on such terms it deems beneficial to the City, if such real property is subject to New York State Department of Environmental Conservation:

- (1) environmental site management plan or plans;
- (2) liens, encumbrances, easements;
- (3) environmental Remediation Orders;
- (4) provisions of Record of Decisions;
- (5) other Orders or Directives of the Department

B. The Council may, by resolution, direct the sale of any lot or parcel of land acquired by the City at a tax sale. Such lot or parcel of land so directed to be sold shall thereafter be offered at public auction to the highest bidder. Notice of the time and place of such sale, together with a short description of the property, shall be published once a week for three weeks in an official paper of the City. At the time specified, the Commissioner of Accounts shall begin to offer such property for sale and shall continue so to do from day to day until the whole thereof shall be offered for sale. Each parcel shall be tentatively struck off to the highest bidder, subject to the approval of the Council, which shall have the power to accept or reject the highest bid. The highest amount bid for each parcel shall be reported by the Commissioner to the Council and shall be entered in the record of proceedings of the Council. No such parcel shall thereafter be sold for a sum not exceeding the amount of such highest bid, except at a subsequent auction held as herein provided. If an amount subsequently offered, in writing, for any such parcel shall be greater than the highest amount theretofore bid for such parcel at any auction conducted pursuant to the provisions of this section, the Council may, by a four-fifths vote without further proceedings, accept such offer and direct the sale and conveyance of such parcel. The deed of conveyance of any such parcel shall be executed by the Mayor.

§ 47. Conveyance by Mayor; abandonment of use.

In cases, however, where assessments have been offset against awards for the value of the property taken, the Council may authorize the release and conveyance, by deed to be executed by the Mayor and under the Seal of the City, of such lands or parts thereof to the parties interested therein who are equitably entitled to such conveyance, upon payment by them to the City of the moneys expended by the City in the purchase or the taking of said lands or ratably in proportion to such parts thereof with interest thereon from the time of such expenditures, or upon such other terms and conditions as the Council shall deem best for the interests of the City. In case the City of Mechanicville shall at any time abandon the public use of any lands appropriated by it for public use or shall be about to abandon such use, the Council, by not less than a four-fifths vote, may authorize the conveyance, under the hand of the Mayor and the Corporate Seal of said City, of any such lands or any part thereof so abandoned or about to be abandoned in exchange for other lands substantially of equal value required by said City for a like

public use.

TITLE IV Elections

§ 48. Date of general election; Council to appoint election officers. [Amended by L. 1921, c. 74; L.L. No. 4-1924]

- A. There shall be a general municipal election held on the Tuesday next succeeding the first Monday in November 1925, and every odd-numbered year thereafter there shall be held on the Tuesday next succeeding the first Monday in November a general municipal election.

- B. The Council shall appoint the Inspectors of Election and such other officers as are now required by the general law of the State of New York to conduct general elections, and in all things the General Election Law of the State of New York shall govern as applicable to cities of like size, except as herein otherwise provided. Such Inspectors of Election and other officers so appointed shall perform all the duties required by the election officers at the general municipal election and at the municipal primary election.

TITLE V City Council; Commissioners

§ 49. Compensation.

None of any such Commissioners shall receive any further compensation for any service such Commissioner may render the City during his/her term of office, other than his/her salary as Commissioner, except the salary, fees or compensation allowed and paid to the Mayor while Acting Supervisor, as provided in § 73. All fees or other moneys coming into his/her hands by virtue of his/her office shall be accounted for and paid over forthwith to the City, except as provided in this section.

§ 50. Qualifications.

No person shall be eligible to the office of any such Commissioner unless said person is a qualified elector of the City, in accordance with the provisions of this Charter.

§ 51. Vacancies.

If a vacancy occurs in the office of any such Commissioner, the Council shall appoint an eligible person to fill such vacancy until the next general municipal election, and any such vacancy shall then be filled by the election for the unexpired term. A vacancy shall exist when an elective officer fails to qualify for 10 days after notice of his/her election, dies, resigns, removes from the City, absents himself/herself from his/her duties without permission of the Council for more than 20 consecutive days, is convicted of a felony or is judicially declared mentally unfit.

§ 52. Rules of procedure.

The Council shall conduct meetings and follow procedures in accordance with Robert's Rules of Order and may punish its members for disruptive conduct and compel their attendance at the Council meetings.

§ 53. Meetings.

The Council shall prescribe the time and place of its meetings and the manner in which special meetings thereof may be called. The Commissioner of Accounts shall be the Clerk of the Council and shall, with the Mayor, sign and attest all ordinances and resolutions. A majority of all the members shall constitute a quorum to do business, but a fewer number may adjourn. The Council shall sit with open doors at all legislative sessions and shall keep an accurate journal of its proceedings in detail, which shall be a public record.

§ 54. Absence of members. [Amended by L.L. No. 3-1932]

Whenever any member of the City Council is unable to perform his/her duties by reason of sickness, absence from the City or for any reason, the Mayor shall designate himself/herself or some member of the City Council to perform the administrative duties of said member until such member shall return to his/her duties.

§ 55. Ordinances, local laws and resolutions.

- A. In legislative sessions the Council shall act by ordinance, local law, resolution or motion.
- B. The ayes and nays shall be taken upon the passage of all ordinances, local laws and resolutions and entered upon the journal of its proceedings. Upon the request of any member, the ayes and nays shall be taken and recorded upon any motion. Every member when present must vote, and every ordinance or local law passed by the City Council shall require on final passage the affirmative vote of a

majority of all members of the Council.

- C. No ordinance or local law shall be passed finally on the date it is introduced except in cases of special emergency, for the preservation of the public peace, health or safety, and then only by unanimous vote of all members of the Council present. No ordinance or local law making a grant of any franchise or special privilege shall ever be passed as an emergency measure.
- D. The enacting clause of all ordinances passed by the Council shall be in these words: "Be it ordained by the Council of the City of Mechanicville."

§ 56. Publication of ordinances and local laws. [Amended by L.L. No. 3-1966]

Every proposed ordinance or local law shall be published once in an official newspaper of the City of Mechanicville, New York, at least 10 days before its final passage. It shall not be necessary that the full text of the ordinance or local law be published. It shall be sufficient that said publication conveys the main purposes and intentions of the proposed ordinance or local law.

- A. After its final passage by the City Council, a brief statement of the ordinance (or local law, as amended and passed, shall again be published once in an official newspaper within 10 days, except in case of an emergency ordinance or local law, which may be passed as heretofore provided and which shall take effect upon passage and be so published within seven days thereafter.

§ 57. Amendment or repeal of ordinances and local laws.

No ordinance or local law or section thereof shall be amended or repealed except by an ordinance or local law regularly adopted.

§ 58. Record of ordinances and local laws.

A true copy of every ordinance or local law when adopted shall be numbered and recorded in a book marked "Ordinance Record," and a certificate of adoption and publication shall be authenticated by the certificate of the publisher and by the signatures of the Mayor and Clerk. The ordinances and local laws adopted by the vote of the qualified electors of the City shall be separately numbered and recorded, commencing with "People's Ordinance No. 1."

§ 59. Proof of Charter and ordinances.

This Charter or any ordinance may be proved by a copy thereof, certified to by the City Clerk under the Seal of the City, or when printed in book or pamphlet form and purporting to be printed by authority of the City, the same shall be received in evidence in all courts without further proof.

§ 60. Fiscal year. [Amended by L.L. No. 1-1945]

The fiscal year of the City shall commence on the first day of January.

§ 61. Banking.

The cash balance of the City in the hands of the City Commissioner of Finance for deposit in the banks shall be kept on deposit in any designated bank by a majority vote of the City Council.

§ 62. Claims against City; audit, allowance and payment. [Amended by L. 1943, Ch. 650]

No claim against the City, except for the regular or stated compensation of officers or employees in any City department, for the principal or interest on a bonded or funded debt or other loan or for a fixed salary shall be audited, allowed or paid unless it shall be in writing, dated and sufficiently itemized to identify the expenditure and shall first be approved by the Commissioner at the head of the department having jurisdiction thereof.

§ 63. System for receipt and payment of public moneys; uniform system of accounting.

The Council shall, by ordinance, provide a system for the collection, custody and disbursement of all public moneys and a system of accounting for the City, establishing as nearly as may be a uniform system of municipal accounting, such system to be in accord with the provisions of this Charter.

§ 64. State and county taxes. [Amended by L. 1945, c. 501]

The Board of Supervisors shall certify to the Commissioner of Finance the amount of taxes for state and county purposes assessed upon the City. The Commissioner of Finance shall pay to the County Treasurer of Saratoga County on account of such taxes as follows: within 40 days after the beginning of the collection of taxes in each year, a sum of money which shall bear the same relation to the entire amount of taxes collected during the first 30 days of collection as the amount so certified by the Board of Supervisors shall bear to the entire amount of the current budget to be raised by taxation,

including the amount so certified; and, within six months after the beginning of the collection of taxes in each year, the balance of the amount so certified by the Board of Supervisors. Any and all penalties collected by the Commissioner of Accounts on delinquent taxes shall be the property of the City, free from any right or claim of the state or county.

§ 65. Supervisor. [Amended by L.L. No. 2-2006]

The Supervisor shall represent the City in the County Board of Supervisors. The Supervisor shall be chosen for a (4) four year term at the City general election and shall receive the same salary as the other Supervisors of the County of Saratoga and the same fees and compensation except as otherwise provided. At all elections of the Supervisor, the votes in the several election districts shall be canvassed in the manner provided by this Act. In case of a vacancy in the office of Supervisor, the Council shall fill such vacancy by appointment for a period which shall expire with the commencement of the political year next succeeding the first annual City election after the filling of the vacancy. Such (4) four year term shall commence January 1, 2008.

§ 66. Department estimates of annual requirements. [Amended by L.L. No. 9-1945]

On or before the first day of November in each year, all heads of departments and officers empowered by law or by City ordinance to control or authorize expenditures shall furnish to the Commissioner of Finance estimates, in writing, of the amount of expenditures for the next fiscal year in their respective departments or offices, specifying in detail the objects thereof and including a statement of the salaries of all their subordinates.

§ 67. Annual estimate. [Amended by L.L. No. 9-1945]

On or before the second Monday in December in each year, the Commissioner of Finance shall submit to the Council an estimate of the probable expenditure of the City government for the next ensuing fiscal year, stating the amount required to meet the interest and maturing bonds of the outstanding indebtedness of the City and the warrants of all departments of the municipal government in detail and showing specifically the amount necessary to be provided for each fund and department and also an estimate of the probable income from fines, licenses, water rents and all other sources of revenue, exclusive of taxes upon property, and the probable amount required to be levied and raised by taxes to defray all expenses and liabilities of the City.

§ 68. Annual budget.

The Council shall meet annually, prior to fixing the tax levy, and make a budget of the estimated amounts required to pay the expenses of conducting the business of the City government for the next ensuing fiscal year. The budget shall be prepared in such detail as to the aggregate sum and the items thereof allowed to each department, office, board or commission as the Council may deem advisable.

§ 69. Duties of each Commissioner.

Each Commissioner shall keep such books of account as are required by this Charter and make an annual full detail report of all the assets and liabilities, receipts and expenditures of the Commissioner's department, including cost of maintenance, extension and improvements. The Commissioner shall not let the work for any extension or new construction on contract unless directed by the Council, but the same shall be done directly by the City procuring the necessary labor and material. The character of any extensions to be undertaken and the extent thereof shall be determined by the City Council.

§ 70. Water rents and charges; liens; penalties for nonpayment. [Amended by L. 1943, c. 650]

- A. The City Council shall, by resolution and/or ordinance, establish regulations for the use of water by consumers and provide for the orderly administration of the Water Department.
- B. All water rents for water used or supplied to real property from the municipal water system shall, immediately upon the entry of such rents in the water roll in the office of the Commissioner of Accounts, become a lien upon said real property, and said rents, together with penalties and interest accruing thereon, shall remain a lien upon said real property until paid in full. All charges for installation, repairs and replacements of pipes running from water mains to or upon private premises, charges for labor performed or materials supplied in connection with the installation, repair, replacement, maintenance and improvement of pipes running from water mains to or upon private premises and charges for the installation, repair, replacement and maintenance of water meters used in connection with the regulating, measuring and supplying of water shall, immediately upon the entry of such charges in the Water Department record of miscellaneous charges in the office of the Commissioner of Accounts, become a lien upon the real property supplied with water by means of or in connection with such pipes or meters and shall, together with penalties and interest accruing thereon, remain a lien on said property until paid in full.
- C. The following scale of penalties is hereby prescribed for the neglect to pay water rents and charges which have become liens upon real property pursuant to the provisions of this chapter: any amount, while remaining due and unpaid, shall be

increased by 2% on the first day of May and November and an additional 1% each month thereafter until such outstanding amount is received onto the City and county property tax bill. The Council, by ordinance, may proscribe additional penalties for delinquent outside water users.

- D. The Council shall have the power to shut off and to stop the supply of water from the municipal water system to any real property when water rents for water supplied to said property or charges for installation, repairs and replacements of pipes running from water mains to or upon said property, charges for labor performed or materials supplied in connection with the installation, repair, replacement, maintenance and improvement of pipes running from water mains to or upon said property or charges for the installation, repair, replacement and maintenance of water meters used in connection with the regulating and supplying of water are unpaid and the period during which they might have been duly paid without penalty has expired.
- E. As soon as practicable after the first day of April and the first day of October in each year, the Commissioner of Accounts shall mail to the owner or to one or more of the owners of each parcel of real property to which water from the municipal water system has been supplied a statement setting forth the quantity of water supplied during the preceding period and the amount of water rents due therefore, together with arrears and penalties thereon. The mailing of such statement shall be deemed to be a demand for the payment of such water rents and shall be deemed to be a compliance with those provisions of the general laws which require every collector to call at least once on the person taxed and demand payment of the taxes charged to him/her on his/her property, and the Commissioner of Accounts annually may include the water rents and penalties thereon unpaid up to the first day of April of each year in the annual City tax roll, and if so included in said roll said unpaid water rents and penalties shall be collected in the same manner as is provided by this Charter for the collection of unpaid taxes.

§ 71. City Attorney; powers and duties. [Amended by L.L. No. 2-1926; L. 1943, c. 650; L.L. No. 1-1944; L.L. No. 3-1994]

The City Attorney shall be the head of the Department of Law. The City Attorney shall be an attorney and counselor at law, duly licensed and admitted to the practice thereof by the State of New York. The City Attorney shall be and act as the legal advisor of the Council and of the several officers, boards and departments of the City. The City Attorney shall appear for and protect the rights and interests of the City in all actions, suits and proceedings brought by or against it or any of the City officers, boards or departments. Counsel and experts may be employed by the City Attorney to assist the City Attorney in the conduct of actions or proceedings in which the City is interested or is a party, with the consent of the Council, which shall also fix the compensation to be paid for such assistance.

§ 72. Oath of office.

Every officer or salaried employee shall, before such officer or employee enters upon the duties of his/her office, take, subscribe and file with the City Clerk the constitutional oath of office.

§ 73. Certain Commissioners to file bonds.

The Commissioner of Accounts and the Commissioner of Finance, before entering upon the duties of their offices, shall file a bond in the office of the Mayor in an amount fixed by the Council. The Council, in its discretion, may increase or decrease at any period of the year the amount of the bond of other officials. The premium on any bond or bonds required by any official of the City may be paid by the City.

§ 74. Official books and documents; equipment.

- A. All books, records, papers, computer files and other electronic media of any type of each office, department, board or Commissioner are City property and must be kept as such by the proper official or employee during his/her continuance in office and delivered to his/her successor, who shall give duplicate receipts therefore, one of which shall be filed with the City Clerk. The failure to so deliver such books, records, papers, computer files and other electronic media of any type shall be a misdemeanor.
- B. Certified copies or extracts from the books, records and files, except as otherwise provided by law, shall be made in accordance with the Freedom of Information Law (Article 6 of the Public Officers Law) and Chapter 46, Records, Article II, Public Access to Records, of the Code of the City of Mechanicville.
- C. All equipment, collections, models, materials, construction tools and implements which are collected, maintained, used or kept by the City or by the department, board or commission shall be City property and be turned over by the custodian thereof to his/her successor or duly accounted for.

§ 75. Penalty for violation.

Any person who shall violate any of the provisions of this Charter, for the violation of which no other punishment has been provided in the Code, shall be deemed guilty of a violation and, upon conviction, shall be punished by a fine not exceeding \$1,000 or by imprisonment in the county jail for a maximum period of 15 days for each violation, or by both such fine and imprisonment.

TITLE VI
Miscellaneous Provisions

§ 76. Violations by officers; removal from office.

- A. Any person elected or appointed under this Act to any office or place who shall, upon the expiration of the term for which he/she was elected or appointed or upon his/her removal from such office or place, refuse to deliver the books, papers and effects pertaining to the office or place to his/her successor shall be guilty of a misdemeanor and may also be proceeded against in the manner provided in the Public Officers Law.
- B. Every officer of the City and every person employed by the City or by any office of the City who shall lend or convert to his/her use or to the use of another money or property belonging to the City shall be guilty of larceny.
- C. Any officer who shall willfully neglect his/her duty shall be guilty of a misdemeanor.
- D. The Mayor or any other member of the Council may be removed by a unanimous vote of the other four Council members after charges have been preferred, in writing, for incompetence, neglect of duty or dishonesty and after a public hearing has been held with an opportunity for the Commissioner against whom charges have been preferred to defend either in person or by attorney, at least 20 days' notice having been given the accused Commissioner of the charges and of the time and place of the hearing. The City Judge may be removed for cause by the Appellate Division of the Supreme Court sitting in the Judicial Department in which the City is situated. All other officers or appointees, except as otherwise provided, may be removed by the Council.

§ 77. Records to be open for inspection.

The books, documents, maps, rolls and papers in the office of any City officer shall, at all reasonable times, be open to the inspection and examination of the public, except as otherwise provided by law.

§ 78. Elections. [Amended by L. 1921, c. 74; L. 1921, c. 515; L.L. No. 5-1924]

- A. A general municipal election shall be held in the City of Mechanicville on the Tuesday succeeding the first Monday in November in every odd-numbered year, beginning with the year 1925. The Commissioners provided for in this Charter

shall be elected in at such elections. Every such election shall be known as the "general municipal election." Every other municipal election held under the provisions of this Charter shall be known as a "special municipal election."

- (1) The successor of the Commissioner of Public Safety shall be elected at the general municipal election in the year 1925 for a full term of four years beginning on the first day of January in the year 1926, and every fourth year thereafter at the general municipal election there shall be elected a Commissioner of Public Safety for a full term beginning on the first day of January following such election.
 - (2) The successor to the Commissioner of Public Works shall be elected at the general municipal election in the year 1925 for a full term of four years, beginning on the first day of January 1926, and every fourth year thereafter at the general municipal election there shall be elected a Commissioner of Public Works for a full term beginning on the first day of January following such election.
 - (3) The successor to the Commissioner of Finance shall be elected at the general municipal election in the year of 1925 for a full term of four years, beginning on the first day of January 1926, and every fourth year thereafter at the general municipal election there shall be elected a Commissioner of Finance for a full term beginning on the first day of January following such election.
 - (4) The successor to the Mayor shall be elected at the general municipal election in the year 1925 for a full term of four years, beginning on the first day of January 1926, and every fourth year thereafter at the general municipal election there shall be elected a Mayor for a full term of four years beginning on the first day of January following such election.
 - (5) The successor to the Commissioner of Accounts shall be elected at the general municipal election in the year 1927 for a full term of four years beginning on the first day of January thereafter, and every four years thereafter at the general municipal election there shall be elected a Commissioner of Accounts whose term of office shall begin on the first day of January following such election.
- B. No officer whose term shall have expired shall cease to hold office until such officer's successor shall have qualified.
- C. The Council of the City, together with the Supervisor, shall constitute the Board of Canvassers for all municipal elections.

§ 79. Commissioners may meet and act for certain purposes before taking office.

The Commissioners elected under the provisions of the preceding section are authorized, between the date of their election and the date of their assumption of office, from time to time, to meet, formulate and adopt such ordinance or code of ordinances as may in their opinion be necessary to provide for carrying out the provisions of this Act and to enable the Council and its members to undertake the government of the City. Such ordinance or code of ordinances may be adopted in its entirety by said Council on the date of its assumption of office and shall become operative immediately and shall be entered in the ordinance book and signed; provided, however, that said ordinance or code of ordinances shall be published once in a newspaper printed in said City of Mechanicville. For such purposes only, the terms of Commissioners shall be considered to commence before they assume office, but they shall not be entitled to any compensation for the period prior to assumption of office.

§ 80. Liability of City in certain actions. [Added by L.L. No. 3-1955, § 1]

- A. No civil action shall be maintained against the City for damages or injury to person or property sustained in consequence of any street, highway, bridge, culvert, sidewalk, crosswalk or public building being defective, out of repair, unsafe, dangerous or obstructive unless it appears that written notice of the defective, dangerous, unsafe or obstructive condition of such street, highway, bridge, culvert, sidewalk, crosswalk or public building was actually given to the Commissioner of Public Works and there was a failure or neglect within a reasonable time after the giving of such notice to remedy, repair or remove the defect, danger or obstruction complained of.
- B. No civil action shall be maintained against the City for damages or injury to person or property sustained in consequence of the existence of snow or ice upon any sidewalk, crosswalk or street unless written notice thereof relating to the particular complaint was actually given to the Commissioner of Public Works and there was a failure or neglect to cause such snow or ice to be removed, or the place otherwise made reasonably safe, within a reasonable time after the receipt of such notice.
- C. All claims against the City for damages or injuries to persons or property or invasion of personal or property rights, of every name and nature whatsoever, whether casual or continuing, continuing and continuous trespasses, continuing and continuous invasions of property or continuing and continuous invasions of property rights, and all other claims for damages or injuries to persons or property arising at law or in equity and enforceable or sought to be enforceable or sought to be enforced at law or in equity alleged to have been caused or sustained in whole or in part by or because of misfeasance, nonfeasance, negligence, omission of duty, wrongful act, fault or neglect on the part of the City or any of its agents,

officers or employees must be initiated in compliance with the provisions of the General Municipal Law.

- D. The City Council shall have the power to pay, compromise or settle any such claim which may be made against the City for damages.

TITLE VII Election Requirements

§ 81. Qualified voters. [Added by L.L. No. 1-1932]

Qualified voters of the City of Mechanicville for the City primary are those whose names appear upon the general registration of voters used at the last general election, with those whose names may be subsequently added thereto as herein provided. Qualified voters for the City election are those who have registered for voting at a general election as provided by the Election Law.

§ 82. Application of Election Law. [Added by L.L. No. 1-1932; amended by L.L. No. 1-1943; L.L. No. 1-1962]

In all respects, the provisions of the General Election Law, Chapter 100 of the Laws of 1945 of the State of New York, as amended, shall apply to City primary and general elections.

TITLE VIII Tax Levy Override Legislation

§ 83. Authorizing a property tax levy in excess of the limit established in General Municipal Law §3-c [Added by L.L. No.1-2011]

- A. **Legislative Intent.** It is the intent of this local law to allow the City of Mechanicville to adopt a budget for the fiscal year commencing 2012 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law § 3-c.
- B. **Authority.** This local law is adopted pursuant to subdivision 5 of General Municipal Law §3-c, which expressly authorizes a local government’s governing body to override the property tax cap for the coming fiscal year by the adoption of a local law approved by a vote of sixty percent (60%) of the governing body.

- C. **Tax Levy Limit Override.** The City Council of the City of Mechanicville, is hereby authorized to adopt a budget for the fiscal year commencing 2012 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law §3-c.
- D. **Severability.** If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court's order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.
- E. **Effective date.** This local law shall take effect immediately upon proper filing in compliance with the Mechanicville City Charter and New York State Law.