

Political Infighting in Upstate New York
By MARLENE KENNEDY
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FONDA, N.Y. (CN) - An upstate New York mayor asked a judge to block a no-rent lease at the municipal golf course that the city council and deputy mayor bypassed her to approve.

The lease violates the City Charter because the deputy mayor can act in her stead only if she is "absent, incapacitated, unable or unwilling to carry out the duties and responsibilities" of office, Amsterdam Mayor Ann Thane claims in Montgomery County Supreme Court, and she was none of those.

Thane claims the agreement also breaches New York's general city laws because a Common Council cannot act alone to lease real property; a mayor's approval is required.

"The agreement is a result of two separate ultra vires and illegal actions, and accordingly the agreement is null and void as a matter of law," Thane says in her 21-page complaint.

Named as defendants are Amsterdam Common Council members Edward Russo, Valerie Beekman, Ronald J. Barone Sr. and Richard Leggiero; Deputy Mayor Diane Hatzenbuhler, who also sits on the council; and city Controller Matthew Agresta.

The city, about 45 minutes west of Albany, was a carpet-manufacturing center for much of the 20th century, before the industry moved south. It was the birthplace of the wildly popular Cabbage Patch doll, whose launch in 1983 sparked customer riots at Christmas.

Joseph Merendo, with whom the no-rent lease was signed, also is a defendant.

Merendo was golf pro at the Amsterdam Municipal Golf Course for almost 30 years before his termination last fall.

That action came as Thane and the city's golf course commission, a mayor-appointed oversight body, tried to bring in new blood to boost course membership and city revenue, according to press reports.

The 18-hole Amsterdam Muni, designed by noted golf course architect Robert Trent Jones Sr., opened in 1938 on 182 acres.

The commission in January recommended hiring a new golf pro and general manager, but the Common Council, which in last fall's election secured a 4-1 Republican supermajority, opted to bring back Merendo.

Thane, a Democrat, says in her complaint that "secret" negotiations yielded an agreement that provided Merendo with rent-free use of the pro shop and golf cart storage sheds through November 2016.

She calls that "an illegal gift or loan of the city's property" that violates the state constitution.

Thane vetoed the council resolution approving the lease with Merendo, but lawmakers then passed a resolution authorizing Hatzenbuhler, the deputy mayor, to sign the agreement. Thane vetoed that resolution, too.

Hatzenbuhler signed the lease on March 4, according to the complaint.

"The actions of the Common Council of approving the execution and delivery of the agreement in violation of [general city laws] and provisions of ... the city charter and authorizing the deputy mayor to execute, deliver and bind the city to the agreement have necessitated this proceeding," Thane says in the lawsuit.

She wants the lease ruled null and void, and an injunction issued to block its implementation.

Thane is represented by Paul Goldman of Goldman Attorneys in Albany.

Deputy Mayor Hatzenbuhler could not be reached for comment by email Sunday.

The Recorder in Amsterdam reported that at a contract-signing photo-op in March, Hatzenbuhler expressed confidence in the council's actions.

"What has happened over the past six years is we've had councils that don't read the charter," the paper quoted her as saying. "If they don't read the charter, they don't know what their authority is. The mayor has spent the last six years usurping the authority of the council. The council is now taking their authority back."