

January 28, 2013

City Council

Proceedings by Authority

State of New York
City of Jamestown ss:
City Council Chambers

A regular meeting of the City Council of the City of Jamestown, New York was held on Monday, January 28, 2013 at 7:30 p.m.

Members Present: Council President Greg Rabb, Council Members, Steve Szwejbka, Tony Dolce, Vincent DeJoy, Maria Jones, Kim Ecklund, Paul Whitford and George Spitale

Members Absent: Michael Taylor

Others Present: Mayor Teresi, Director of Financial Services/City Clerk James N. Olson, Corporation Counsel Marilyn Fiore-Lehman, Comptroller Joseph Bellitto, Deputy Fire Chief Chet Harvey, Director of Public Safety Harry Snellings, Director of Public Works, Jeff Lehman, and Matt Hanley, Executive Assistant to the Mayor

Council President Rabb called the meeting to order and led the assembly in the Pledge of Allegiance to the Flag.

The Invocation was given by the Rev. Maria Jones.

Councilman Spitale moved to approve the minutes from the December 17, 2012 meeting.

201301A00.01

MESSAGES FROM THE MAYOR

STATE OF THE CITY ADDRESS

MAYOR SAM TERESI

JANUARY 28, 2013

Mr. President, Members of the City Council, Department Heads, Guests and my Fellow Jamestowners.

In accordance with Article IV, Chapter 31-C of the Jamestown City Charter, it is my pleasure to present to you this evening the annual State of the City Address.

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The year just completed was a time of great challenge in our region, across our state, throughout the nation and around the world.

But 2012, was also a year of significant opportunity and inspiring progress on many fronts, at least here in Jamestown.

Due to the collaborative efforts of the members of this City Council, our very capable Department Heads, the best public workforce one will find anywhere and a community of caring, involved residents, numerous examples of solid, sustainable progress can be found throughout the previous year.

Let's take a few minutes to consider the following:

- We continued the ongoing effort to make the operations of City Government more cost efficient. Noteworthy initiatives during 2012 included the restructuring of:
 - A) Police Department Administrative Staff and Narcotics Division
 - B) DPW Traffic Control Division
 - C) Fire Department Command Staff
 - D) Parking Enforcement and Fine Structure
 - E) Worker's Compensation Payments to the County
 - F) Clerk-Treasurer's Office Staff

I would call your attention to the attached Summary of the 61 City Government Restructuring efforts since 1/1/2000, that collectively, produce over \$5 million in reoccurring savings and value to the taxpayers of this city every year.

- We have expanded our efforts streamline our operations through collaborations and cross training activities involving the Finance Department and customer service staff of the BPU.
- Utilizing a \$400,000 grant from the State's Local Government Efficiency Program, we continued efforts with the County to determine the feasibility of and develop an implementation strategy to merge the City's Police Department with the Chautauqua County Sheriff's Office. During 2012, the joint City/County Task Force retained the Center for Governmental Research (CGR) from Rochester, New York to facilitate and lead the effort.

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The Task Force has projected that the final report, containing specific recommendations and an implementation plan, will be delivered jointly to the County Legislature and City Council for consideration by late spring/early summer of 2013.

- With the assistance of the Lawley Benefits Group from Buffalo, New York, we advanced a Labor Management Process with the City’s five bargaining units designed to implement an employee/retiree “Wellness Program.” This initiative is expected to streamline the delivery of and contain costs within our very expensive employee and retiree Health Care Benefit Plans.
- 2012 also saw the significant expansion of the city’s web site, www.jamestownny.net, on which a copy of this address and all related reports may be found and viewed...at this very moment.
- During the past year, the Office of Public Safety (Police and Fire Departments) worked with the Chautauqua County Sheriff’s Office to adopt and implement the American Association of Public Safety Officials (AAPSO) Emergency Medical Dispatch Protocols. This initiative is already reducing operational redundancy and more effectively utilizing Fire Department EMS personnel and resources.
- We completed the final arrangements and secured \$4 million in tax exempt municipal bond funding to implement a variety of vitally needed capital equipment and real estate improvement projects. Included were the following major components:
 - DPW/Parks Equipment: \$ 1,434,000
 - Fire Department Self Contained Breathing Apparatus (SCBA) \$ 185,000
 - Phase II – Central Garage Rehabilitation: \$ 1,300,000
 - Tracy Plaza Deck Repairs: \$ 480,000
 - Municipal Building Window Replacement: \$ 150,000
 - Roof Repairs – Various City Owned Buildings: \$ 150,000
 - Construction of a Road Salt Storage Facility \$ 200,000

- During this past year we also approved \$1 million in tax exempt municipal bond funding to acquire, in accordance with FCC mandates, new narrow band radio communications equipment for the Police, Fire, Public Works and Parks Departments. This bond initiative also provided significant resources for the replacement of several additional pieces of essential construction equipment for the Public Works and Parks Departments.

In the arena of infrastructure, facilities and public utilities we:

- Completed a record level of downtown and neighborhood street, sidewalk and storm water drainage improvement projects. In addition, to more than 90 resurfacing, nova chip and storm sewer improvements, comprehensive reconstruction efforts were completed on

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Brad Street, Lakeview Avenue, Shaw Avenue, Lister Street, Vega Street, Constance Circle, North Main Street and the Greater Jamestown Riverwalk.

- Continued the reconstruction of the City's DPW Garage at 155 Steele Street.
- Completed the Main Street Signalization Upgrade Program.
- Brought on line various pieces of new equipment that improved efficiency in the Public Works and Parks Departments and enhanced both employee and public safety. And, utilizing federal CDBG funding, continued the high level of curb and intersection improvements to bring the City one step closer to full compliance with the Americans with Disabilities Act (ADA).
- During 2012, utilizing \$2.55 million in federal ARRA funding, we completed the \$3.2 million Wastewater Treatment Plant Upgrade Project on schedule and \$300,000 under budget. This initiative replaced the 54-year old digester covers and installed a new micro turbine which together, are enabling the capture and reuse of the methane gas by-product for the production of electricity.
- We completed a \$3 million project to install a new natural gas-fired District Heating System generator, providing much needed redundancy and additional flexibility for this City utility.
- We developed the first Integrated Resources Plan for our Electric Division in 16 years, which analyzed and recommend options for continued power generation at the Carlson Generating Station on Steele Street and improvements to the City's Electric Distribution System.
- During 2012, we constructed and opened a new state of the art road salt storage facility on Steele Street which has eliminated both the environmental and financial concerns associated with the previous "operation".
- We assisted the County with the completion of the Sprague Street Bridge Replacement Project.
- During 2012, the LM6000 Natural Gas Electric Turbine was operated for 4,835 hours (net electrical output of 230,000 MWh), which was the highest annual level of production for the unit since its installation in 2003.
- And we completed the \$1.2 million T3/DL Transformer Replacement Project at the Dow Street Electric Substation.

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On the neighborhood of housing improvement front we:

- Initiated 950 new Housing Code Enforcement cases and resolved most without City Court intervention.
- Renovated and brought 43 units of housing into code compliance utilizing \$598,484 in Federal grant resources. This resulted in a total public/private investment of \$1.1 million into the housing stock of the City.
- We continued the targeted Mini Sweep Housing Inspection Program in various neighborhoods.
- Demolished fifteen (15) vacant and abandoned homes and launched the process to remove another 11.
- Utilizing CDBG resources, we completed or launched \$100,000 in emergency repair projects to 16 properties owned and occupied by low-moderate income seniors and single parents.
- And, we assisted Pathstone Inc., the new owner of the Bradmar Village Apartments, with a \$6.4 million complete redevelopment of the 100 unit private, fully taxable family housing project on the City's South side...without the use of an IDA PILOT or other gimmicks that shortchange local taxpayers or create an unfair competitive advantage over other subsidized or market rate housing providers.

On the Parks and Recreation front our 15 employees and a handful of college age summer workers:

- Continued development of the Chadakoin Riverwalk, (west of Brooklyn Square, McCrea Point Park, Chadakoin Park, and along Jones and Gifford Avenue).
- Expanded and enhanced the City's nationally acclaimed Urban Forestry Program and obtained Tree City USA status from the National Arbor Day Foundation for the 31st consecutive year.
- Secured a \$262,500 grant through the New York State Environmental Protection Fund to develop a \$525,000 riverwalk pedestrian and bicycle trail through Chadakoin Park. Design work was completed during 2012 with the project construction scheduled during 2013.

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- Planned, implemented and/or supported some 35 different community events in our parks and on our Downtown streets.
- Launched the construction of the new Veteran’s Memorial at Logan Park.
- Rebuilt facilities in every major park in the city.
- And, reconditioned the roof of the former Allen Park Ice Rink making this 40-year old structure dry, safe and usable for public activities once again.

In the all important area of private business development our staff either drove or assisted with the following significant initiatives:

- The \$11.1 million Gateway Station Redevelopment Project at the historic, long-abandoned Erie Railroad Station. Major, permanent funding sources for the project, which will enable the establishment of a multi-modal transportation center and provide 15,000 sq. ft. of commercial/professional rental space, include:

- Federal Transit Administration	\$ 5,300,000
and Federal Highway Administration	
- Private Investment: Federal Tax Credit Equity	\$ 1,950,000
- Private Investment: State Credit Equity	\$ 1,650,000
- Gebbie Foundation	\$ 851,000
- New York State Department of Transportation	\$ 600,000
- New York State Environmental Protection Fund	\$ 325,500
- Empire State Development	\$ 160,000
- U.S. Department of Housing and Urban Development (CDBG)	\$ 120,000
- 1991: U.S. HUD (Initial property acquisition and Land Banking)	\$ 200,000
Total	\$11,156,000

- During 2012, we completed and opened the first phase of the \$7,418,383 Wellman Building Redevelopment Project in Downtown Jamestown. This long vacant, historic landmark now provides 44 market rate apartments and 10,446 sq ft of new commercial rental space. Currently, 39 apartments have been rented. The Project was financed in part with a \$1,200,000 RESTORE NY grant secured by the City’s Department of

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Development, \$1,672,726 in private Tax Credit induced financing, \$145,000 in CBDG assistance, and \$105,000 in local/private foundation assistance.

- Utilizing a \$1 million RESTORE NY grant obtained by the Department of Development, we were able to finally launch the demolition of the vacant, unstable and unusable portions of the former Dahlstrom Complex to make way for new business investment and development activities. The project is expected to be completed in March 2013.
- We issued 391 building permits for projects totaling \$7,683,752. These permits generated \$29,058 in fee revenue for the City during 2012.
- We assisted local developer Jody Peterson to complete the several hundred thousand dollar redevelopment of the former Westbridge Building into the new Westside Professional Center and helped him launch the redevelopment of the former Maynard's Electric Supply Building.
- And, through our Board of Public Utilities, we assisted a variety of local firms with electrical upgrades and projects that resulted in new investment and job retention/creation. Companies assisted included:
 - SKF Aero Engine Inc.
 - Titan X
 - RHI Monofrax
 - Truck-Lite Inc.
 - MVP Plasticware Inc
 - Weitsman Inc.
 - Bush Industries
 - Rand Machine Corp.
 - Southern Tier Brewing Inc.
 - Colecraft Inc.
 - MD Electronics

As in past years, I have prepared an “annual report” document that offers a more complete listing of our major project initiatives during 2012. Please note that the items highlighted in this report do not include the primary services delivered on a day to day basis to the residents of the Greater Jamestown region by the 450 professionals within the city’s workforce.

I would again urge everyone to review in detail the contents of this summary, which like this State of the City Address has also been uploaded and can be viewed on the city’s web site. jamestownny.net.

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While 2012 was certainly a year of significant effort and progress, I firmly believe that if we remain focused on our goals and continue working with and in the interest of others, 2013 can and will be yet another time of great accomplishment.

- During the coming year we must again work together to craft a budget that is truly balanced and honest...and then redouble our efforts to reign in our day to day expenses. And, we must again do this all while we find ways to invest in the type of things that sustain/improve essential services and further reduce costs.
- We will also need to focus our limited attention on items that are under our direct control at the local level and build upon the transformational changes of the past decade; which as outlined in the attached report, are now saving tax payers millions of dollars every year. I also call your attention to the related employment comparison chart which documents that our efforts to significantly restructure and streamline our workforce have resulted in the elimination of half of the top level appointed officer positions in City Government and reduced the overall workforce, across the board, by 20%. And, due to the outstanding efforts of the best people working in municipal government anywhere, we are still getting the job done.
- During the coming months, as the members of the Joint City/County Task Force work with the Center for Governmental Research (CGR) to finalize a model and implementation strategy to consolidate the Jamestown Police Department with the Chautauqua County Sheriff's Office, it is vitally important that we as elected officials, together with all concerned and vested citizens, remain informed...and most importantly, keep an open mind. As was the case with all of the previous examples of City/County merger and collaboration activities (listed in the attached report), we must first see what this process yields and then let the facts, not our raw emotions and fears, guide the ultimate decision making process.
- While we must clearly focus our energies on fixing the things under our direct control, we must however, remain vocal and supportive of those within state government who truly understand that their actions ultimately chart our course at the local level and determine not only what we have to do, but how we must do it.

I also firmly believe that instead of lamenting about the good ole' days, dreaming of a boom economy that will once again fill our coffers or whining about and begging for increased state aid that will never come, we need to be sending a different message to Albany and taking a new tact. I would suggest the following:

In principal, we are in full agreement with those who contend that the cost of local government in New York State IS simply too high. We at the local level, more than anyone, realize that it is no fun to have to raise property taxes (that are already too high) or to lay off hard working public employees and cut services that our fellow residents

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need and rely upon. But we also understand that the only way to cut these punitively high taxes and preserve the quality of our essential public services, in a real, meaningful and lasting fashion, is to REDUCE OUR COST STRUCTURE. And once we are empowered to do that, not only will people at the local level benefit, but the state government will benefit...since its cost structure will be reduced as well.

Unfortunately, we in local government are limited as to what we can do to reduce our cost structure, close budget deficits and lower taxes to the level desired or needed...that is, until we have the help and authorization from the state to do so.

We are clearly NOT demanding a financial handout. We know that the state is in no position to be sending big bail out checks our way. What we ARE asking is for the state to give us the authority and the tools to become more creative, efficient, productive, leaner and effective. And, if this can be done, we at the local level will not merely cap, but will LOWER the highest property tax burden in the nation and make NYS and even more attractive place in which to invest and live.

My/our message to our leaders in Albany needs to be simple and clear.

Given the provisions and restrictions in our State Constitution, General Municipal Law, General City Law, etc., we can't legally do the things that you have managed to improve at the state level and would like us to be doing from a reduction, restructuring and consolidation standpoint. That is, without your help and permission.

Specifically, we need your authorization to do the following:

1. Eliminate Binding Arbitration – This 1974 unnecessary appendage to the original Taylor Law, which provides a “resolution” to contract negotiation imposes EXCLUSIVELY FOR POLICE AND FIRE UNIONS, should be allowed by the State Legislature to expire during the coming year. In essence, Police and Fire Unions should be treated exactly like the rest of the public and private labor organizations throughout our State.

It must be publicly acknowledged that the mere presence or threat of Binding Arbitration almost always impacts the outcome of Police and Fire contracts...whether they be imposed by an arbitration panel OR negotiated to an “agreed upon” settlement by the parties. The existence of Binding Arbitration for police officers and firefighters also tends to “set the bar” and defines the parameters for negotiation and settlement of contracts with OTHER bargaining units as well...bargaining units that do NOT even have arbitration available to them under state law. In essence, this effectively has been the misapplication of the notion that “A rising tide lifts all boats.”

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And, this is exactly why I so strongly believe that Binding Arbitration may be the most destructive fiscal force for city governments today, and definitely needs to sunset...THIS YEAR!

Tonight, I pose a simple question. If Binding Arbitration is such a necessary, reasonable and effective device for promoting labor peace, productivity and the effective delivery of essential public services, why has it been limited only to police officers and paid firefighters and not been extended to ALL public employee unions in the Empire State!!?? OR, for that matter, where has been the legislation to impose Binding Arbitration upon all private companies and their collective bargaining units throughout New York??!!

The traditional argument for the periodic renewal of Binding Arbitration by its advocates is that it is the best if not the ONLY reasonable tool to ward off and prevent strikes by public safety officials...strikes that would threaten the peace and security of our streets and neighborhoods. The truth of the matter however, is that ALL public sector strikes were outlawed by the original Taylor Law in 1968 and that there was virtually no history of wide scale public sector employee unrest between 1968 and 1974. The Binding Arbitration amendment (circa 1974) was a solution in search of a problem and has had no rationale and impact on the labor peace and public safety front since its inception. Its only purpose has been to unnecessarily drive labor costs, taxes and legal expenses through the roof. And more recently, in the tax cap era of cash strapped local governments that can no longer afford the salaries and benefits from bygone eras, Binding Arbitration has served to crowd out other needed areas of investment in public budgets, helped to reduce essential public services and has driven the elimination of the jobs of the people who provide those public services.

Finally, why aren't other public employee sectors considered to be part of the public safety network and deemed to be essential enough to merit such a "worthy tool" as Binding Arbitration? Are not the snow plow drivers who keep the roads open and passable for police cars and fire trucks to reach their destinations involved with public safety? How about public sector (or private for that matter) EMS first responders? How about public (or private) hospital workers? Sanitation workers? Utility workers? Why is this "great tool that defends and preserves our essential public safety network" only extended to and reserved for a small portion of the public health and safety work force?

Again, something is terribly wrong in this picture and our leaders in Albany need to bring equity into the public labor arena and address this matter, by doing absolutely nothing. 2013 needs to be the year in which the outdated, unnecessary, and counterproductive Binding Arbitration statute is finally allowed to sunset.

2. Reform the Triborough Amendment – As we all know, this 1982 amendment to the 1968 Taylor Law prohibits a public employer from changing any provision of an expired labor agreement until a new one has been reached. In the private sector, where collective bargaining has legally existed for well over six decades under the

National Labor Relations Act, no similar provision is imposed upon employers who are parties to collective bargaining agreements.

In essence, this after-thought change to the original Taylor Law, limits and discourages a true and effective collective bargaining process. It also thrusts upon tax payers the costly impact of contracts that have evolved and continue to build layer by layer upon agreements reached during bygone eras.

3. **Reform Section 207A of the GML** – Under specific legislative authority (Section 207-A of the General Municipal Law), injured firefighters **and only career firefighters**, can be granted amongst other benefits, full pay (including annual salary increases) and benefits, tax free, until the age of 70.5. While the State does contribute a fixed portion of this mandated cost, growingly, the annual burden falls on local property taxpayers to foot this incredible and unique bill. Again, this benefit is **NOT** afforded to any other career category, including **POLICE OFFICERS**, emergency personnel, construction workers and other public employees that are routinely placed in harms way during the daily discharge of their duties.

In the case of our 2013 City of Jamestown Budget, the local tax payer share to meet just the salary portion of this onerous state mandate for our ten (10) disabled 207-A retirees, will be at least \$230,000. This figure, which does not include benefits and other associated fringes, equates to about \$.35 per thousand of assessed value on our tax rate, with absolutely nothing in services being delivered in return.

The 207-A disability system exclusively for career firefighters, like many other things our state has done to local governments over the years, may have been well motivated in concept, but is excessive and unfair to all other public workers who do not have this benefit. It clearly needs to be re-thought, scrapped, or rebuilt from the ground up and then, paid for by the state.

4. **Reform of the Real Property Tax Law (RPTL)** – The long needed overhaul of the “Mother of all Unfunded State Mandates,” the RPTL itself, must also be pursued by our state leaders if the punitively high property tax burden in New York is ever going to be reduced and brought under control.

Our State Constitution provides that exemptions from real property taxation may in fact be altered or repealed by legislative action, except in cases where properties are used “exclusively for religious, educational or charitable purposes as defined by law.”

For too long the responsibility for defining the scope of property tax exemptions has been ceded by our State Legislature to the courts. This has resulted in the steady expansion of organizations receiving exemptions from property taxation; including those having a questionable or only marginal link to “religious, educational and charitable purposes.”

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Currently, there are over 275 different types of property tax exemptions in New York State. Just a few years ago, the New York State Assessors Association reported that statewide there were 4,618,259 individual exemptions in effect, removing more than \$797,114,356,000 in assessment from local tax rolls.

In the City of Jamestown alone, there are 53 different and “legal” exemption categories in play, providing 8,971 individual exemptions (on roughly 15,000 tax parcels), which have removed \$377,180,927 from the City’s Assessment Rolls.

The recent statewide growth in and impact of tax exempt entities severely erodes the tax bases of local governments and school districts, unfairly transfers the tax burden to remaining homeowners and businesses and further compromises New York’s position as a competitive environment in which to live and invest.

It is time that the State Legislature recognizes and utilizes the authority vested in it by the State Constitution and starts dealing head on with this growing statewide problem.

And, while they are it, they can also undertake a drastic overhaul of so called “Industrial Development Agencies.” In recent years, most IDA’s have branched out into giving lucrative property tax breaks to all types of questionable ventures, including but not limited to, private medical office buildings, suburban shopping centers anchored by “big box” national retailers, chain hotels and restaurants, vacation condos, designer micro brew pubs, so called historic and adaptive reuse projects, an indoor salt water swimming pool located at a resort spa and my new “personal favorite,” a federally subsidized senior citizens housing complex.

Local governments in general and this city in particular cannot successfully build a growing tax base if every time a major commercial/non industrial project comes on line, the local Industrial Development Agency moves in, grants a PILOT and removes the project from the tax rolls. Not only does this deprive the City, County and School District of much needed revenue, but it helps to put this city one step closer to hitting its constitutional tax margin.

Bottom line: Local governments and their tax payers need to be able to reap the fruits of their labors on commercial and residential development projects...without the unnecessary and counterproductive interference of local **Industrial Development Agencies**.

- Getting back to initiatives that are largely within our local control, 2013 will bring us a new Development Director and an even more aggressive approach to dealing with our city’s neighborhood issues and opportunities.

In addition to reinstating our annual, systematic housing inspection program, in which every residential structure within a designated quadrant of the city is reviewed, we must strive for an even more timely response and resolution to all housing code complaints. During 2013, we will initiate the “48 Hour Rule” in which every citizen complaint is

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logged, responded to and a resolution to the matter...with or without court action...is launched in no more than two business days.

- With the goal of driving a more timely and effective response to housing matters, I will be requiring the City's Development Director to join me on my weekly neighborhood walking tours, to hear about and view first-hand the matters that our customers, the residents of this city, feel are having a destructive impact on the community in general and their homes in particular.
- And, during 2013, we will be finding more resources and implementing new approaches to speed along the process of removing the most severely deteriorated and unsafe structures from our cityscape.
- During the coming year, we will be redoubling our efforts to maintain and enhance the business and residential backbone of this city...our utilities, infrastructure and public facilities.

During 2013, major initiatives on this front will include but not necessarily be limited to the following:

- Completion of the next components of our waterfront development vision, including the construction of Riverwalk segments through Chadakoin and McCrea Point Parks, the Center City Riverwalk Connector project and the completion of the State-funded Local Waterfront Revitalization Plan (LWRP) and the Brownfields Opportunity Area (BOA) Strategy.
- Conversion of Boiler #10 at the City's Power Plant from coal to natural gas, which will serve as the next step toward the complete elimination of coal as an energy source in the City of Jamestown .
- Installation of another heat exchanger on our gas-fired electric generating unit to maximize the recovery of waste heat for expanded thermal energy supply purposes.
- Continued upgrades to the LM6000 natural gas electric generator to extend its life and improve its efficiency and output levels.
- Acquisition and installation of another micro turbine unit at the Wastewater Treatment Plant to increase the generation of electricity from the methane gas bi-product.

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- Continued structural and energy-related improvements to the 43-year-old Municipal Building, various DPW structures and Parks facilities.
- Ongoing investment in the city's street lighting system, to improve its efficiency and lower the cost of operating our 3,400+ units.
- And last, but certainly not least, development initiatives, with the goals of promoting private investment, creating and retaining job opportunities for our residents and building the all-important city tax base, will be foremost on our 2013 agenda. Examples of initiatives during the coming year will include:
 - Efforts in conjunction with other development partners including the JRC, area foundations, private lenders and individual commercial developers to expand private investment in the West End of the CBD, bring new, private tenants to major Downtown buildings (re: the Erie Gateway Station, the Federal Building, M&T Bank Building, etc.) and nurturing activity along the City's primary commercial corridors.
 - Efforts in conjunction with the CCIDA to stimulate the development of projects with a true export nature, within the local industrial sector.
 - An increasingly aggressive marketing campaign that will more effectively incorporate the considerable value and resources of the city's five (5) outstanding utility operations (Electric, Water, Waste-water, District Heating/Cooling, Sanitation) operated by our Board of Public Utilities.
 - Enhanced steps to systematically reach out to area major employers to proactively assess and assist with their needs/opportunities and to enlist their key support in the marketing and development of the Greater Jamestown region.
 - During 2013, we will support and assist the County with their efforts to preserve, revitalize and market commercial airline service...which is in the vital interests of not only the City of Jamestown, but the entire Greater Jamestown Chautauqua Region.
 - And during the coming year we will promote and support the undeniable connection between the development and enhancement of the area's "higher education infrastructure" and the ability of the region to nurture the business investment and jobs of the future.

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A very wise man used to tell me that “it’s easy to find fault, complain, and criticize. It’s hard and takes a lot of determination and character to get things done, especially with limited resources and in the face of constant criticism and adversity.”

This sentiment seems to best capture the story of 2012 and describes both the challenges and opportunities before us during the coming year.

Tonight, I ask everyone within the sound of my voice to pause, and take stock of the efforts that have been and continue to be put forth to make New York’s great “Pearl City” an even better place in which to live, work, play, invest and raise a family. Let us truly recognize and appreciate:

- The members of this City Council, who, in a non-partisan fashion and without all of the bickering and drama that has become synonymous with other levels of government, work together every meeting and every day to simply get the job done.
- Our Department heads and the hardest-working municipal staff that one will find...**anywhere**.
- And the private sector businesses, the philanthropic and non-profit sectors, and individual volunteers who care about this place and are willing to give their time and resources to make it even better.

Every year when I undertake this Charter-required initiative, I never cease to be amazed and am actually in awe of what happens here on a daily basis...with limited resources and in the face of constant criticism and adversity.

Tonight, on behalf of an entire community, I again say thank you!

January 28, 2013

201301A00.02

CITY OF JAMESTOWN)
Mayor's Office)

To the City Council of the City of Jamestown New York
Council Members:

In pursuance of the authority vested in me by the Charter of said City, I do hereby
nominate:

Sharon Terwilliger
85 Warwick Road
Jamestown, New York 14701

to be appointed a member of the Veteran's Memorial Commission in and for the City of
Jamestown, New York to fill the unexpired term of Carolyn Volk, resigned.

The term for which said appointment is to be made will expire
December 31, 2014.

Dated: January 28, 2013

Samuel Teresi
Mayor of the City of Jamestown, New York

201301A00.03

CITY OF JAMESTOWN)
Mayor's Office)

To the City Council of the City of Jamestown New York
Council Members:

In pursuance of the authority vested in me by the Charter of said City, I do hereby
nominate:

Paul Leone
134 Lakeview Ave.
Jamestown, New York 14701

to be appointed a member of the Strategic Planning and Partnerships Commission in and for the
City of Jamestown, New York.

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The term for which said appointment is to be made will expire July 1, 2017.

Dated: January 28, 2013

Samuel Teresi
Mayor of the City of Jamestown, New York

201301A00.04

CITY OF JAMESTOWN)
Mayor's Office)

To the City Council of the City of Jamestown New York
Council Members:

In pursuance of the authority vested in me by the Charter of said City, I do hereby
nominate:

James Waid
168 Park Street
Jamestown, New York 14701

to be appointed a member of the Parks, recreation and Conservation Commission in and for the
City of Jamestown, New York.

The term for which said appointment is to be made will expire December 31, 2017.

Dated: January 28, 2013

Samuel Teresi
Mayor of the City of Jamestown, New York

201301A00.05

CITY OF JAMESTOWN)
Mayor's Office)

To the City Council of the City of Jamestown New York
Council Members:

January 28, 2013

In pursuance of section 523-a. of the Real Property Tax Law, I do hereby nominate:

Lory Anderson
321 Woodlawn Ave.
Jamestown, New York 14701

to be appointed a temporary member of the Board of Assessment Review in and for the City of Jamestown, New York.

The term for which said appointment is to be made will expire

December 31, 2013.

Dated: January 28, 2013

Samuel Teresi
Mayor of the City of Jamestown, New York

201301A00.06

CITY OF JAMESTOWN)
Mayor's Office)

To the City Council of the City of Jamestown New York

Council Members:

In pursuance of section 523-a. of the Real Property Tax Law, I do hereby nominate:

William Bonner
9 Ridgley Terrace
Jamestown, New York 14701

to be appointed a member of the Board of Assessment Review in and for the City of Jamestown, New York.

The term for which said appointment is to be made will expire

September 30, 2017.

Dated: January 28, 2013

Samuel Teresi
Mayor of the City of Jamestown, New York

Councilman Tony Dolce moved to suspend the rules and vote collectively on the appointments.

Carried: 8 ayes, 0 nays

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Councilman George Spitale moved to approve the appointments.

Carried: 8 ayes, 0 nays

FINANCE COMMITTEE

201301A01

BY COUNCILMAN DeJOY:

RESOLVED, That bills be audited and warrants drawn on the proper funds in payment of the respective amounts, totals as follows: General Fund, Capital Fund, Special Revenue Fund and Trust & Agency Fund \$10,388,577.23 in accordance with the period ending January 27, 2013, copy of which is annexed hereto and a copy to be filed in the office of the City Clerk, and be it further

RESOLVED, That disbursements in the total amount of \$4,884,190.10, investments in the total amount of \$3,700,000.00 and payrolls in the total amount of \$1,804,387.13, as paid by the Comptroller and Director of Financial Services, a copy of which is annexed hereto and a copy to be placed on file in the office of the City Clerk be and hereby are approved.

Carried: 8 ayes, 0 nays

201301A02

BY COUNCILMAN DeJOY:

RESOLVED, That Fire Fighter Shawn Tibbitts be, and he hereby is, authorized to attend the Finger Lakes Building Officials Educational Conference to be held in Rochester, New York on March 18-21, 2013, with expenses paid pursuant to Section 77-b of the General Municipal Law.

Carried: 8 ayes, 0 nays

201301A03

BY COUNCILMAN DeJOY:

RESOLVED, That Police Officers Jay Wadsworth and Rob Ward be, and they hereby are, authorized to attend the New York Tactical Training conference and Expo in Verona, New York, April 22-25, 2013 with expenses paid pursuant to Section 77-b of the General Municipal Laws of the State of New York.

Carried: 8 ayes, 0 nays

201301A04

BY COUNCILMAN DeJOY:

RESOLVED, that Engineering Technician Matthew Robinson be, and he hereby is, authorized to attend a course entitled "Introduction to Computer Programming" conducted by American Sentinel University, Inc., November 19, 2012 to January 13, 2013 with tuition paid pursuant to Section 77-b of the General Municipal Laws of the State of New York, and be it further

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RESOLVED, that within two weeks of the completion of such course, the employee shall submit a written report of the training to the Finance Committee.

Carried: 8 ayes, 0 nays

201301A05

BY COUNCILMAN DeJOY:

WHEREAS, the Jamestown Urban Renewal Agency (JURA) is an independent government agency established by the laws of the State of New York in 1966; and

WHEREAS, the scope of JURA activity has grown to include residential housing code enforcement and rehabilitation, commercial building code enforcement, neighborhood preservation and improvement, zoning activities, community planning, grant administration, and economic development; and

WHEREAS, the City of Jamestown maintains the desire and responsibility to protect the safety and improve the quality of life for all of its residents through the proper enforcement of life and safety codes, the upgrading of the environment within its neighborhoods, rebuilding infrastructure, and stimulating the retention and creation of jobs in the industrial, service, and commercial sectors; and

WHEREAS, JURA has demonstrated since its inception that it is adequately equipped and fully capable to develop, obtain funding for, and implement a variety of programs and activities to address the city's public safety and community/economic development objectives; and

WHEREAS, the City has determined that it is efficient, cost effective, and desirable to contract with JURA for delivery of these essential services and activities; now therefore be it

RESOLVED, that the Mayor be and is hereby authorized to enter into an agreement with the Jamestown Urban Renewal Agency for the 2013 fiscal year to provide the following city services and pursue the following activities:

- Enforcement of Chapter 215 of the Jamestown City Code - the Property Rehabilitation and Conservation Code.
- Enforcement of the New York State Uniform Fire Prevention and Building Code.
- Enforcement of Chapter 300 of the Jamestown City Code - the Zoning Code for the City of Jamestown.
- Operation of the city's various housing rehabilitation and neighborhood improvement initiatives.
- Application for and administration of housing and economic development grant programs including, but not limited to; HUD's CDBG and HOME Program entitlements; federal stimulus funding; the NYS Brownfield Opportunity Areas Program Grant; NYS Main Street Grant; NYS Quality Communities Grant; and RESTORE NY Grant.

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- Administration of the Federal Renewal Community Tax Incentive Program.
- Administration of all long and short-term planning activities.
- Marketing of the community and response to development-related inquiries.
- Packaging of sites for city-sponsored projects.

and be it further

RESOLVED, that in consideration of said services and activities, the City will allocate to JURA during FY 2013 a sum that shall not be less than \$368,000 and provide an in-kind contribution of office space, utilities, and parking for JURA vehicles at the Jamestown Municipal Building, and authorize JURA to retain all administrative revenues from housing and community/economic development grants obtained and administered by JURA on behalf of the city.

Carried: 8 ayes, 0 nays

201301A06

BY COUNCILMAN DOLCE:

RESOLVED, That the Mayor be, and he hereby is, authorized to enter into a contract with the James Prendergast Library Association for library services to be rendered to the citizens of Jamestown for the year 2013 in the amount of three hundred seventy-two thousand dollars (\$372,000.00).

Carried: 8 ayes, 0 nays

Councilman Dolce stated that this and several of the other resolutions this evening are the routine agency resolutions that are approved each year based on the budget allocations given to them.

201301A07

BY COUNCILMAN DOLCE:

RESOLVED, That the Mayor be, and he hereby is, authorized to enter into a contract with the Jamestown Senior Center for senior services to be rendered to the citizens of Jamestown for the year 2013 in the amount of Five Thousand, Five hundred dollars (\$5,500.00).

Carried: 8 ayes, 0 nays

201301A08

BY COUNCILMAN DOLCE:

RESOLVED, That the Mayor be, and he hereby is, authorized to enter into a contract with the Fenton Historical Society for Historical and Educational services to be rendered to the citizens of Jamestown for the year 2013 in the amount of Sixteen thousand dollars (\$16,000.00).

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Carried: 8 ayes, 0 nays

201301A09

BY COUNCILMAN DOLCE:

RESOLVED, That the Mayor of the City of Jamestown, be, and he hereby is, authorized to enter into a grant agreement with the Gebbie Foundation in an amount not to exceed \$100,000 for the restoration of Potters Alley and Mechanics Alley between 2nd and 3rd Streets in the downtown area, subject to the approval of the Corporation Counsel as to form.

Councilman Dolce stated that this restoration program is a continuation of previous programs funded by the Gebbie Foundation for the restoration of alleys within the downtown area.

Carried: 8 ayes, 0 nays

201301A10

BY COUNCILMAN DOLCE:

RESOLVED, That the City Comptroller be, and he hereby is, authorized to make the following amendment to the 2012 General Fund Budget for the purchase of a new Dell Power Edge Virtual Server system:

INCREASE:	Appropriations	\$30,000.00
	Information Services Equipment	
	A. 1620.0200	

DECREASE:	Appropriations	\$30,000.00
	Contingency	
	A.1990.0400	

Carried: 8 ayes, 0 nays

201301A11

BY COUNCILMAN DOLCE:

RESOLVED, That the City Comptroller be, and he hereby is, authorized to make the following amendment to the 2012 General Fund Budget for the purpose of purchasing a replacement heat exchanger at 145 Steele Street:

INCREASE:	Appropriations	\$5,000.00
	145 Steele Street Building	
	A.1621.0200	

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DECREASE: Appropriations \$5,000.00
Contingency
A.1990.0400

Carried: 8 ayes 0 nays

PUBLIC WORKS

201301A12

BY COUNCILWOMAN ECKLUND:

RESOLVED that Jeffrey Lehman, P.E., Director of Public Works, is hereby authorized and directed to purchase from Cyncon Equipment, Inc., 7494 W. Henrietta Road, Rush, NY 14543, one (1) new 2013 Johnston VT650 Street Sweeper with a Freightliner Chassis, per bid opened January 2, 2013, for the amount of \$209,445.00 with optional items of \$9,580.39 for a total amount not to exceed Two Hundred Nineteen Thousand Twenty-five Dollars and Thirty-nine Cents (\$219,025.39), said sweeper and options for use in the Department of Public Works.

Carried: 8 ayes, 0 nays

201301A13

BY COUNCILMAN SPITALE:

RESOLVED, that the Mayor be, and he hereby is, authorized to execute Change Order #2 to the Jamestown Highway Garage Repairs contract with E. E. Austin & Son, Inc., 4 Carter Street, Falconer, NY 14733 (Resolution 201109A11), to include changes as follows:

Accepted Change Order Expenses as recommended by Project Engineer, Greenman-Pedersen, Inc. (Abate Associates, Engineers & Surveyors, PC)	\$62,055.10
61 days in delay	(\$6,100.00)
Costs to recover damages to asphalt driveway due to concrete pumps	(\$1,000.00)
Damages to compensate for low concrete strength in topping	(\$5,000.00)
Damages to compensate for wrong bolts in beam seat	(\$7,000.00)
Engineering fees reimbursement	(\$6,557.00)
 Total INCREASE Change Order	 \$36,398.10

Carried: 8 ayes, 0 nays

201301A14

BY COUNCILMAN SPITALE:

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RESOLVED, that Jeffrey Lehman, P.E., Director of Public Works, is hereby authorized and directed to purchase from Ed Shults Chevrolet, 2273 Washington Street Jamestown, NY 14701, off Chautauqua County 2012 Vehicle Bid prices E-10-12PFTH dated November 8, 2012, one (1) new 2013 Chevrolet Model K3500 One Ton 4 x 4 Regular Cab and Chassis 140” W.B.W., for an amount not to exceed Twenty-six Thousand Five Hundred Fifty Dollars (\$26,550.00), said vehicle for use in the Department of Public Works.

Carried: 8 ayes, 0 nays

NEW BUSINESS:

Councilman Szwejbka: A public safety concern is that individuals and businesses do not clear the sidewalks in front of their properties. Neighbors should assist others in clearing the sidewalks, especially seniors who own property. Individuals should also clear their fire hydrants near their properties and not depend on the Fire Department to do that.

There being no further business, the meeting was adjourned.

James N. Olson, Director of Financial Services/
City Clerk