

February 25, 2008

City Council

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Proceedings by Authority

State of New York  
City of Jamestown  
City Council Chambers

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A regular meeting of the City Council of the City of Jamestown, New York was held on Monday, February 25, 2008 at 7:30 p.m.

Members Present: Council Members, Greg Rabb, Stephen Szwejbka, Anthony J. Dolce, Michael Taylor, Maria Jones, Paul Whitford, Kimberly Ecklund, George Spitale

Members Absent: Vincent DeJoy

Others Present: Director of Financial Services/City Clerk James N. Olson, Corporation Counsel Marilyn Fiore-Nieves, Director of Public Works Jeffrey Lehman, Director of Development Steve Centi, Battalion Chief William Johnston, Police Chief/Director of Public Safety Rex Rater, Greg Lindquist, Executive Assistant to the Mayor Matt Hanley

Council President Gregory Rabb called the meeting to order.

Pastor Jim Reed of the Bethel Baptist Church gave the invocation.

Councilman Taylor moved to approve the minutes of the January, 2008 meeting.

#### **OPPORTUNITIES FOR PERSONS TO ADDRESS THE COUNCIL**

Franklin Trusso, 1033 N. Main Street: The reason I'm here tonight, I want to congratulate all the new people on the Council. It's the first time I've met you people. I know quite a few of them on the other side, but not this side. The reason I'm here tonight is that over the weekend I was in Olean and had a chance to meet the Governor. The Governor made a little speech – I don't know if you heard about the speech or not – about Stan Lundine and his commission. He's reporting to the Governor about what's going on overlapping the governments here in western New York and that we're going to have to start saving money somehow ladies and gentlemen. Jamestown's on the short end over here. People are hurting, they're losing their jobs; some people can't pay taxes to stay in their houses and everything is up. Your health care is up; a lot of people can't do that. They're making a choice – "do I want to eat, do I want to pay my taxes, do I want to pay for healthcare – but I don't have enough money for everything." And, Jamestown's really hurting. I'd like to see you people in the next couple of years, besides your wards, get out and meet the people of all over. We're all together in this fight to make the City better. The other thing is on another subject – the school budget. The taxes of Jamestown and the County – the school budget is way high compared to the County Tax and the City Tax. Something has to happen there; we cannot keep on going with a \$70,000,000 budget. I think in five years, we'll be bankrupt. Something's got to happen. I can see maybe a cap coming eventually. We've got to cut this off. It's okay, I think, to have grants coming in, but someday, what if those grants run out – I hope not; but what if they do? What's going to happen then? Anybody got any answers? I don't think so. I just hope that you people represent Jamestown – not just in your wards – I mean the whole City. We're all in this together. I think if you give people a fair chance, they'll let you know what's going on. Thank you.

February 25, 2008

**STANDING COMMITTEES**

**FINANCE COMMITTEE:**

200802B01

BY COUNCILMAN DOLCE:

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 \$10,620,526.34 in accordance with the period ending February 25, 2008, 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 \$3,071,026.56, investments in the total amount of \$6,294,044.89 and payrolls in the total amount \$1,255,454.89 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

200802B02

BY COUNCILMAN DOLCE:

RESOLVED, That the Mayor be, and he hereby is, authorized to enter into a contract with Josh Lodestro, dba Quavu Web Design, 2855 Girts Road, Jamestown, New York for Web Site Design services to be rendered to the City of Jamestown in the amount of two thousand seven hundred fifty dollars (\$2,750.00).

Carried: 8 ayes, 0 nays

200802B03

BY COUNCILMAN DOLCE:

RESOLVED, That the Mayor be, and he hereby is, authorized to enter into a contract with Disability Management Associates, (DMA) 92 Chateau Terrace Snyder, New York 14226 for medical case management and consulting services for injured Policemen and Firefighters for the period January 1, 2008 to December 31, 2008 in accordance with the attached fee schedule.

Carried: 8 ayes, 0 nays

200802B04

BY COUNCILMAN DOLCE:

WHEREAS, the Jamestown Riverwalk Connection Project and Jamestown Gateway Intermodal Station and Visitor Center, in the City of Jamestown, Chautauqua County, PIN 5757.61 and PIN 5758.00, (the "Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of eighty percent (80%) Federal funds and twenty percent (20%) Non-Federal funds; and

WHEREAS, the City of Jamestown desires to advance the Project by making a

February 25, 2008

commitment of one hundred percent (100%) of the Non-Federal share of the costs of the Preliminary Engineering (Design I – VI) and Right-of-Way Incidentals phases of the Project PIN 5757.61 and PIN 5758.00; and

WHEREAS, Empire State Development Corporation desires to advance the economic revitalization of the City of Jamestown by making a grant commitment of one hundred percent (100%) of the Non-Federal share of the costs of the Preliminary Engineering (Design I - VI) and Right-of-Way Incidentals phases of the project PIN 5757.61 and PIN 5758.00, such grant not to exceed one hundred sixty thousand dollars (\$160,000); now therefore be it

RESOLVED, that the Jamestown City Council hereby approves the aforementioned Project; and is hereby further

RESOLVED, that the Jamestown City Council hereby authorizes the City of Jamestown to pay in the first instance one hundred percent (100%) of the Federal and Non-Federal shares of the cost of the Preliminary Engineering (Design I-VI) and Right-of-Way Incidentals phases of the Project or portions thereof; and it is further

RESOLVED, that a grant in an amount not to exceed one hundred sixty thousand dollars (\$160,000) is hereby accepted by the City of Jamestown from Empire State Development Corporation and said grant is pledged and made available to cover the cost of participation in the above phases of the Project; and it is further

RESOLVED, that in the event the amount required to pay the first instance one hundred percent (100%) of the Federal and Non-Federal shares of the cost of the project's Preliminary Engineering (Design I-VI) and Right-of-Way Incidentals phases exceeds that amount appropriated, one hundred sixty thousand dollars (\$160,000) and/or one hundred percent (100%) of the full Federal and Non-Federal shares of the cost of the project's Preliminary Engineering (Design I-VI) and Right-of-Way Incidentals phases exceeds eight hundred thousand dollars ((\$800,000), the City of Jamestown City Council shall reconvene as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof, and it is further

RESOLVED, that the Mayor is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid on behalf of the City of Jamestown with the New York State Department of Transportation on connection with the advancement or approval of the Project and providing for the administration of the Project and the Municipality's first instance funding of Project costs and permanent funding of the local share of Federal-Aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible, and it is further

RESOLVED, that a certified copy of this Resolution be filed with the New York State Commissioner of Transportation by attaching it to any Agreement in connection with the Project, and it is further

RESOLVED, this resolution shall take effect immediately.

Councilman Dolce: Just a comment about resolutions 4, 5, and 6 – all three of them are grants that will be accepted by the City for two very important projects. As you know in the community, we have been working on the Riverwalk and also the Train Station for the last several years. Thank you.

Carried: 8 ayes, 0 nays

200802B05

BY COUNCILMAN DOLCE:

WHEREAS, the Jamestown Riverwalk Connection and Jamestown Gateway Intermodal Station and Visitors Center Project in the City of Jamestown, Chautauqua County, PIN 5757.61 and PIN 5758.00, (the "Project") is eligible for funding under Title 23 U.S. Code; and

WHEREAS, the City of Jamestown desires to advance the Project by accepting the

February 25, 2008

above referenced Title 23 U.S. Code monies (SAFETEA-LU Federal Funds); and

WHEREAS, Empire State Development Corporation desires to advance the economic revitalization of the City of Jamestown by awarding a grant to the City not to exceed one hundred percent (100%) of the Non-Federal share of the costs of the Preliminary Engineering (Design I - VI), Right-of-Way Incidentals and Environmental Assessment phases of the Project PIN 5757.61 and PIN 5758.0, such grant not to exceed one hundred sixty thousand dollars (\$160,000); now therefore be it

RESOLVED, that a grant in an amount not to exceed one hundred sixty thousand dollars (\$160,000) is hereby accepted by the City of Jamestown from Empire State Development Corporation and said grant is pledged and made available to cover the cost of local participation in the above phases of the Project; and it is further

RESOLVED, that the Mayor is hereby authorized to execute all necessary agreements, certifications or other documents as may be required to accept the aforementioned grants.

Carried: 8 ayes, 0 nays

200802B06

COUNCILMAN DOLCE:

WHEREAS, the Jamestown Riverwalk Connection and Jamestown Gateway Intermodal Station and Visitors Center Project in the City of Jamestown, Chautauqua County, PIN 5757.61 and PIN 5758.00, (the "Project") is eligible for funding under Title 23 U.S. Code; and

WHEREAS, the City of Jamestown desires to advance the Project by accepting the above referenced Title 23 U.S. Code monies (SAFETEA-LU Federal Funds); and

WHEREAS, Empire State Development Corporation desires to advance the economic revitalization of the City of Jamestown by awarding a grant to the City not to exceed one hundred percent (100%) of the Non-Federal share of the costs of the Preliminary Engineering (Design I - VI), Right-of-Way Incidentals and Environmental Assessment phases of the Project PIN 5757.61 and PIN 5758.0, such grant not to exceed one hundred sixty thousand dollars (\$160,000); and

WHEREAS, the City of Jamestown sought qualified and eligible consultants to complete the Preliminary Engineering (Design I-VI), Right-of-Way Incidentals and Environmental Assessment for said Project; and

WHEREAS, TVGA Consultants, with corporate offices in Elma, New York and local offices in Jamestown, New York has met or exceeded all requirements as set forth in aforementioned said qualified and eligible consultant selection process; now therefore be it

RESOLVED, that the Jamestown City Council hereby authorizes the City of Jamestown to enter into an agreement with TVGA Consultants of Elma, New York for an amount not to exceed six hundred ninety seven thousand four hundred four dollars and 87/100 (\$697,404.87) for the cost of the Preliminary Engineering, Right-of-Way Incidentals and Environmental Assessment phases of the Project or portions thereof; and it is further

RESOLVED, that the Mayor is hereby authorized to execute all necessary agreements, certifications or other documents as may be required to contract with TVGA Consultants on behalf of the City of Jamestown for Preliminary Engineering and Environmental Assessments the Jamestown Riverwalk Connection and Jamestown Gateway Intermodal Station and Visitors Center Project at a cost not to exceed six hundred ninety seven thousand four hundred four dollars and 87/100 (\$697,404.87).

Carried: 8 ayes, 0 nays

**PUBLIC WORKS:**

200802B07

BY COUNCILMAN SPITALE:

WHEREAS, the Planning Commission of the City of Jamestown voted on January 15,

February 25, 2008

2008, to recommend to the Jamestown City Council that Ransom Alley from Cross Street to Winsor Street, be abandoned by the City of Jamestown as public alley, and

WHEREAS, it has been determined that the City of Jamestown no longer requires the aforesaid property known as a portion of Ransom Alley from Cross Street to Winsor Street, and

WHEREAS, notice of the City of Jamestown's intention to abandon the aforesaid property was published in The Post-Journal on February 15, 2008, and thereafter a public hearing was held on February 25, 2008, in accordance with the provisions of Section 29 of the General City Law, and

WHEREAS, notice has heretofore been sent by registered mail, return receipt requested, to the persons and addresses noted on the last preceding real property tax notice issued on the property which abuts the City-owned property above-described, in accordance with the provision of Section 29 of the General City Law, and

WHEREAS, the City Council of the City of Jamestown concurs with the recommendation of the Planning Commission aforesaid; now, therefore, be it

RESOLVED, That the City-owned property described as a portion of Ransom Alley from Cross Street to Winsor Street, as shown on the Official Tax Map of the City of Jamestown, be and the same hereby is abandoned to abutting property owners, and be it further

RESOLVED, That the Assessor and Director of Public Works of the City of Jamestown be and they hereby are authorized and directed to amend the Official Map of the City of Jamestown to reflect the abandonment of the above-described property, and be it further

RESOLVED, That the Mayor be, and he hereby is, authorized and directed to execute quit claim deeds conveying all of the City of Jamestown's right, title and interest to the abutting property owners of the portion of Ransom Alley from Cross Street to Winsor Street, measurements to be determined by the Director of Public Works.

ALL THAT TRACT OR PARCEL OF LAND, situate in the City of Jamestown, County of Chautauqua and State of New York, and also being bounded and described as follows: BEGINNING at the southwesterly corner of the parcel known and designated as Parcel 387.34-4-43 (formerly known as Parcel 407-5-19) said corner also being the northwesterly point of intersection of the Ransom Alley road right-of-way with the easterly bounds of the Cross Street road right-of-way; thence easterly, along the northerly line of the Ransom Alley road right-of-way at a distance of 401 feet to a point on the northerly line of the Ransom Alley road right-of-way and the westerly line of the Winsor Street road right-of-way, said point also being the southeasterly corner of Parcel 387.34-4-8 (formerly known as 407-5-8); thence southerly, crossing the Ransom Alley road right-of-way to a point on the southerly line of the Ransom Alley road right-of-way and the westerly line of the Winsor Street right-of-way, said point also being the northeasterly corner of Parcel 387.34-4-9 (formerly Parcel 407-5-9); thence westerly along the southerly line of the Ransom Alley road right-of-way a distance of 397.8 feet to a point on the southerly line of the Ransom Alley road right-of-way and the easterly line of the Cross Street road right-of-way, said point also being the northwesterly corner of Parcel 387.34-42 (formerly Parcel 407-5-18); thence northerly, crossing the Ransom Alley road right-of-way to a point on the northerly line of the Ransom Alley road right-of-way and the easterly line of the Cross Street road right-of-way; said point also being the southwesterly corner of Parcel 387.34-4-43 (formerly Parcel 407-5-19), also being the point of beginning.

The above described parcel is part of the Ransom Alley road right-of-way and its abandonment, therefore, may be subject to any and all utility easements and their appurtenances, rights of way and/or records that may validly affect the above described premises.

Carried: 8 ayes, 0 nays

February 25, 2008

**PUBLIC SAFETY:**

200802B08

BY COUNCILMAN SZWEJBKA:

RESOLVED, That the following person be, and she hereby is, reappointed to the office of Commissioner of Deeds in and for the City of Jamestown for a term of two years:

Mary Zerbo

March 24, 2008 to March 23, 2010

Carried: 8 ayes, 0 nays

Council President Rabb announced that resolution #9 was pulled from the Agenda.

**NEW BUSINESS:**

Councilman Dolce: I just want to say "Welcome Back" to Franklin Trusso. He hasn't been here for awhile and I appreciate his comments and always a positive voice from the community and we appreciate you coming and you pay attention to things and you do your homework and you're always very supportive. We appreciate that. Certainly, we're taking into account all of the things that are out there that need to be done and we're going to continue to work on those. Thank you.

There being no further business, the meeting was adjourned.

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