

June 16, 2008

City Council

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, June 16, 2008 at 7:30 p.m.

Members Present: Council Members Steve Szwejbka, Vince DeJoy, Paul Whitford, Kim Ecklund, Michael Taylor, Maria Jones, and George Spitale

Members Absent: Council President Greg Rabb

Others: Mayor Sam Teresi, Director of Financial Services/City Clerk James N. Olson, Deputy Fire Chief Lance Hedlund, Corporation Council Marilyn Fiore-Nieves, Director of Public Safety/Police Chief Rex Rater, Director of Public Works Jeff Lehman, Director of Development Steve Centi, General Manager of BPU Dave Leathers, and Executive Asst. to the Mayor Matt Hanley

The City Clerk called the meeting to order.

Father Robert Stolinski of the St. James Roman Catholic Church gave the invocation.

The City Clerk asked for a motion for a President Pro-Tem for the evening.

Councilman DeJoy moved to appoint Councilwoman Ecklund for President Pro-Tem.

Councilman Spitale seconded the motion.

Councilman Dolce moved to close the nomination.

Carried: 8 ayes, 0 nays

The minutes from the May, 2008 meeting were approved.

MESSAGES FROM THE MAYOR

200806A00.01

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 New York State Education Law, I do hereby nominate:

Michael Moots
112 Buffalo Street
Jamestown, NY 14701

to be appointed a member of the Jamestown Community College Board of Trustees in and for the

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City of Jamestown, New York (to fill the un-expired term of Marianne McElrath, resigned).

The term for which said appointment is to be made will expire June 30, 2012.

Dated: June 16, 2008

Samuel Teresi
Mayor of the City of Jamestown, New York

Councilman Dolce moved to suspend the rules in order to vote on the appointment.

Carried: 8 ayes, 0 nays

Councilman Dolce moved to vote on the appointment.

Carried: 8 ayes, 0 nays

OPPORTUNITY FOR PERSONS TO ADDRESS THE COUNCIL

200806A00.02

Richard E. McQuay, Sr., 9 Cleveland Place: I heard that you're going to be discussing the possibilities of licensing landlords. There's a few things I think you should keep in mind when you are discussing this. I'm 70 years old, I've had many dealings with landlords – some good, some bad. If you do license the landlords, I assure you they will not pay the license fees. The good landlords will raise their rents to cover the fees. The bad landlords will raise their rents not only to cover the fees but use the excuse to put more money into their pockets. Now what this does, is most of the people that rent are either on welfare or they're on fixed incomes. If they're on welfare or HUD, the State or the County would take up some of that money. If they're on a fixed income and elderly on Social Security, their Social Security check will not rise, but their rent will and they will have no way of paying for it. They'd have to take some of their living expenses to pay for it. I wish you'd take into consideration the effect it's going to have on the other people that's going to be effected by this licensing if you go through with it. Thank you very much.

200806A00.03

James Slagle, 110 W. 3rd, Hotel Jamestown, Apt. 212: Last weekend we had a basketball tournament on Third Street and my understanding was that Cherry Street was supposed to be left open for us to get out of the Hotel Jamestown. We had to back up the street to get out. We shouldn't have to do that. I'm all for making money for the City, but also you've got to take into consideration of the people who live in the Hotel Jamestown and The Chadakoin. They couldn't even get out. The other day I was down on Washington Street and Second Street – there's supposed to be an arrow there. That arrow wasn't working. Now cars coming this way, by the time the cars got by, you couldn't even turn left on Second. It's down by the Train Station – that red light. And another thing, I want to commend Rex Rater's police force. The ramp is a lot better than it used to be. His officers go up there and check it out, and we've got a new manager up there now and things are coming together. I was talking to Michael Taylor about Fourth Street being two ways and he told me that they're still studying it and I hope it goes through because back in the 40's, that was a two way highway. That's the only street in this town that should be two way. A lot of these lights downtown Jamestown, especially on the one going down North Main to turn on Second Street – that should have an arrow there too. The people

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coming up there, if want to go down, we got to wait. By the time we wait – it's red again. Those streets should have an arrow light on them. I don't understand the traffic laws in the City of Jamestown but I know when something ain't right. They finally got that light working on Fourth Street as we cross from the ramp down to Cherry Street – that's working pretty good now. Now if you can get these other lights working where they can be safe for the pedestrians and the cars, it'd be a real help. This city, I would say, is in bad shape since the Mayor's been in – I don't know the Mayor that good – I moved up here in 2005, but what I've seen...but I could recommend Rex Rater – his police force – for what they're doing and they're keeping this city safe. The Mayor too, he's doing his job and you guys are doing your job – you're doing your best to get this city back in shape again. But Michael Taylor – keep working on that two way on Fourth Street because we really need it. That would save us a lot of time going around the corner to get into our ramp and it's a big enough street that you can do that. What do you say?

Councilman Taylor: Well, we'll just see what the study says, we'll see what the New York State Department of Transportation allows us to do and we'll do the best we can for everybody.

Mr. Slagle: Can you send me something on that when it happens?

Mr. Taylor: Yes indeed Sir.

Mr. Slagle: You've got my address and that. That's all I've got to say.
Thank you very much.

200806A00.04

Susan Kalfas, 669 Baker Street Ext.: For more than two years, a group of Jamestown citizens has been urging the use of renewables for the generation of the future electric power for the City. At least one church congregation, because it takes seriously our care of the natural world, also has written to the City government urging the use of renewables instead of the proposed coal plant. This evening we have some materials to present to you and there is a group here supporting this presentation. I will bring them forward and hope that each of you on the City Council will read them carefully. Several of you are new to the City Council and several of you have heard some of these ideas before. The sizeable presentation there is a copy for each of you of the May 19th issue of the Buffalo News which ran a major front page article concerning a wind farm in Bliss, New York consisting of 67 turbines, and I believe they are building additional ones there. The benefits to that community are very significant. Individual landowners will receive an income of \$6,000 per year per turbine and all the property owners in the town have had their property taxes forgiven for years to come as you will read in the article. Wind power is proving successful in numerous states. You may have read recently that Texas which originally planned to build something like 17 or 19 large coal plants, has thrown out that plan and has gone to the building of wind farms instead. Also, foreign countries have had considerable success with wind power. This is one suggestion for Jamestown to pursue - electricity generated from renewable wind power – clean and sustainable. Another suggestion is the use of biomass fuel which is carbon neutral. In fact, if Jamestown constructs a biomass electricity plant with carbon sequestration, this would be able to give us the opportunity to show that carbon sequestration was workable and the net result would be removing carbon from the atmosphere while meeting our energy demands. In order to fulfill your City Council responsibilities of due diligence in choosing technology for our future, we want to let you know that we expect you to engage the most capable planners to develop such alternatives utilizing biomass and wind, solar and conservation methods. The plans need to be complete and thorough in order that an informed decision can be made in comparison with the coal plant. What thorough proposals other than coal have you considered? Please provide those proposals for public scrutiny. It has been stated that nothing happens by accident and surely it is no accident that we are vigorously

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pursuing a coal plant. Before going forward, I urge each council member to read a volume entitled Big Coal by Jeff Goodell. It documents the callus manner in which coal companies and railroad corporations deal with employees, with the environment, and with the communities which they exploit to extract their profits. Thousands and thousands of dollars from those profits are funneled into political campaigns and the aim is undermining and reducing laws protecting our environment. This is not a direction which is in the best interests of Jamestown and its citizens and the wider community. We need to pursue firms, bring them into our community, that will manufacture technologies truly in line with the 21st century, such as solar panels, wind mills, and such. Thank you.

REPORT OF STANDING COMMITTEES

FINANCE COMMITTEE

200806A01

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 \$3,823,740.89 in accordance with the period ending June 16, 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 \$2,780,708.61 and payrolls in the total amount \$1,043,032.28 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

200806A02

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 Ralph C. Sheldon Foundation in an amount not to exceed \$750.00 for the purpose of funding a portion of the cost of the 2008 Parks, Recreation and Conservation Department Summer Band Concert Program subject to the approval of the Corporation Counsel as to form.

Councilman Dolce: I just want to publicly thank the Sheldon Foundation for helping us with this summer program that the City provides every year at the Allen Park band shell.

Carried: 8 ayes, 0 nays

200806A03

BY COUNCILMAN DOLCE:

RESOLVED, That the Mayor be and he hereby is authorized to enter into a five (5) year contractual agreement with the Advertising Advantage, 24 East Third Street, Suite 300, Jamestown, New York 14701 to place advertising on a outdoor advertising structure in compliance with § 300-711 of the Jamestown City Code on parcel number 370.14-1-18 formally known as 2225 Washington Street in the amount of \$2,200 per year

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plus the annual City of Jamestown Real Property Tax amount for the July 1, 2008 – June 30, 2013 time period, with a 90 day cancellation clause by either party subject to the approval of the Corporation Counsel as to form.

Carried: 8 ayes, 0 nays

200806A04

BY COUNCILMAN DOLCE:

RESOLVED, That the Mayor of the City of Jamestown be, and he hereby is, authorized to enter into a agreement with Family Service of Jamestown, New York, Inc. to provide an Employee Assistance Program for the employees of the City of Jamestown for the November 1, 2008 to October 31, 2011 time period subject to the approval of the Corporation Counsel as to form.

Note: \$10.75 per employee. Current amount is \$9.50 per employee.

Carried: 8 ayes, 0 nays

200806A05

BY COUNCILMAN DeJOY:

WHEREAS, funding became available through the Coastal Resources Division of New York State's Department of State for the Brownfield Opportunity Areas Grant Program designed to provide municipalities and community-based organizations with funding assistance that covers up to ninety percent (90%) of eligible costs to complete area-wide Brownfields investigations and land use redevelopment planning; and

WHEREAS, by previous City Council resolution, the Jamestown Urban Renewal Agency served as program applicant for Step 1 (Pre-Nomination) for this second phase of the City's Chadakoin Riverfront Brownfield Opportunity Areas Grant Program on behalf of the City of Jamestown and also serves as the administrator and coordinator of the area-wide Brownfields investigation and land use redevelopment planning efforts; and

WHEREAS, the Jamestown Urban Renewal Agency, the City of Jamestown Department of Public Works, and the City of Jamestown Parks Department, working in partnership with environmental specialists at the Chautauqua County Department of Public Facilities, identified an area in the City of Jamestown approximately 738 acres in size, encompassing the Chadakoin River Corridor and bounded by Washington Street to the east, Fluvanna Avenue to north, Eighth Street to the south, and the railroad line parallel to Jones & Gifford Avenue to the west, as the designated Brownfield Opportunity Area for this second phase of the City's Chadakoin Riverfront Brownfield Opportunity Areas Grant Program; and

WHEREAS, the identified area overlaps Chadakoin Park, Jones & Gifford Park, portions of the City's federal Renewal Community Census Tract 303, portions of the Greater Jamestown Empire Zone, Community Development Block Grant neighborhood redevelopment target areas, portions of the Southern Tier West Rail Authority railroad lines, and the City's Chadakoin Riverwalk project area; and

WHEREAS, said Brownfield investigation and redevelopment is consistent with and in support of the City of Jamestown Comprehensive Plan (1998) and other studies regarding riverfront development and its importance to downtown redevelopment including the Downtown

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Jamestown Community Redevelopment Plan (2001) and City of Jamestown Urban Design Plan (2006); and

WHEREAS, the Jamestown Urban Renewal Agency was successful in their application and was awarded \$53,093 from the Coastal Resources Division of New York State's Department of State for Step 1 (Pre-Nomination) for this second phase of the City's Chadakoin Riverfront Brownfield Opportunity Areas Grant Program for the aforementioned target area; now therefore be it

RESOLVED, that the City Council of Jamestown, New York remains fully committed and supportive of the Brownfield Opportunity Areas Grant Program and designates the Jamestown Urban Renewal Agency as administrator and coordinator of the area-wide Brownfield's investigation and land use redevelopment planning efforts associated with Step 1 (Pre-Nomination) for this second phase of the City's Chadakoin Riverfront Brownfield Opportunity Areas Grant Program; and be it further

RESOLVED, that the City Council of Jamestown, New York hereby authorizes the Mayor to execute a contract with the Coastal Resources Division of New York State's Department of State relative to the funding for Step 1 (Pre-Nomination) for this second phase of the City's Chadakoin Riverfront Brownfield Opportunity Areas Grant Program.

Carried: 8 ayes, 0 nays

200806A06

BY COUNCILMAN DeJOY:

WHEREAS, under the Community Development Block Grant (CDBG) and HOME programs, entitlement communities are allotted funds to implement housing, community, and economic development activities; and

WHEREAS, the City of Jamestown has been designated an entitlement community and is eligible to prepare and submit an Annual Action Plan as part of the City's Consolidated Plan, which includes proposed housing, community, and economic development activities to be funded through the City's FY 2008 CDBG and HOME Program funding allotment; and

WHEREAS, in conjunction with an extensive public input process conducted by the City of Jamestown's Department of Development, the staff has developed a draft FY 2008 Annual Action Plan which includes proposed housing, community, and economic development activities to be funded with \$1,380,920 through the 2008 CDBG allocation and \$379,121 through the 2008 HOME allocation, for a total of \$1,760,041; and

WHEREAS, said development activities will occur in designated target areas in the community and include a variety of housing rehabilitation, infrastructure, planning, public services, and economic development initiatives; and

WHEREAS, in addition to the extensive, informal public input process conducted by the Department of Development, two required public hearings were held on February 13, 2008 and May 12, 2008 for the purpose of obtaining citizen input regarding the FY 2008 Annual Action Plan and the specific CDBG and HOME activities to be contained therein; and

WHEREAS, the draft FY 2008 Annual Action Plan has been available for public review for a minimum of 30 days as required by U.S. Department of Housing and Urban Development regulations; and

WHEREAS, additional comments of support and public input were received during the aforesaid public input period and carefully considered by Administration officials and City Council members; now therefore be it

RESOLVED, that the Mayor be, and is hereby authorized and directed, to submit the draft FY 2008 Annual Action Plan, including the specific CDBG and HOME activities contained

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therein, to the U.S. Department of Housing and Urban Development; and be it further

RESOLVED, that the specific CDBG and HOME activities contained within the FY 2008 Annual Action Plan will be comprised of the list hereto:

FY 2008 CDBG and HOME Program Annual Action Plan

Summary of FY 2008 CDBG Activities:

Proposed Low-Moderate Benefit Activities: (79.63 % of Active Funds):

| <u>Activity</u> | <u>Amount</u> |
|---|-----------------------|
| Chadakoin Park Infrastructure Improvements (Phase 1) | \$ 75,000 |
| A.D.A. Improvements –Public Facilities | \$ 235,000 |
| Neighborhood Target Area Infrastructure Improvement Program | \$ 232,745 |
| Lead – Based Paint Assessment Program | \$ 2,000 |
| Owner-Occupied Emergency Repair Program | \$ 90,000 |
| Citywide Rental Rehabilitation Program | \$ 130,000 |
| Downtown Handicapped Accessibility Improvement Program | \$ 90,000 |
| Residential Wheelchair Ramp Program | <u>\$ 25,000</u> |
| SUB-TOTAL (Low - Moderate Benefit Activities) | <u>\$ 879,745</u> |

Proposed Slums and Blight Activities: (20.37% of Active Funds):

| <u>Activity</u> | <u>Amount</u> |
|--|------------------------|
| Downtown Greenlining Façade Improvement Program | \$ 225,000 |
| SUB-TOTAL (Slums and Blight Activities) | <u>\$ 225,000</u> |
| Planning and Administration – Technical Assistance | \$ 12,000 |
| Administration/Program Delivery | <u>\$ 264,175</u> |
| TOTAL (CDBG Program) | <u>\$1,380,920</u> |

Summary of FY 2008 HOME Program Activities:

| <u>Activity</u> | <u>Amount</u> |
|--|-----------------------|
| Citywide Owner-Occupied Rehabilitation | \$ 284,341 |
| CHDO Set-Aside (15%) | \$ 56,868 |
| Administration/Program Delivery | <u>\$ 37,912</u> |
| TOTAL (HOME Program) | <u>\$ 379,121</u> |

Councilman DeJoy: I just want to mention, Madam President, that there's a slight change in the amounts that are proposed here in this grant application. The Department of Housing & Urban Development suggested that we put a lead-based assessment program in and we have programmed in \$2,000 and re-adjusted the Neighborhood Target Area Infrastructure Improvement Program by \$2,000 less - \$232,745.00.

Carried: 8 ayes, 0 nays

200806A07

BY COUNCILMAN DeJOY:

WHEREAS, the City of Jamestown has established a Section 457 Deferred Compensation Plan for employees which serves the interest of the City of Jamestown by enabling it to provide reasonable retirement security for its employees, by providing increased flexibility in its personnel management system and by assisting in the attraction and retention of competent personnel, and

WHEREAS, the City of Jamestown has determined that permitting participants in the Section 457 Deferred Compensation Plan to take loans from the Plan will serve these objectives, and

WHEREAS, eligibility requirements for participants to qualify for loans shall be as follows:

- Loans shall only be granted in the event of a participant's hardship or for the purpose of enabling a participant to meet a certain specified financial situation.
- A participant shall only have one outstanding loan at a time.
- The minimum loan amount shall be \$1,000 and the maximum shall be no greater than 50% of the participant's account balance.
- All loans shall be repaid over a period of 5 years. Loans for a principal residence shall be repaid over a period of 15 years.
- Interest rates for 5 year loans shall be prime plus .05%
- Interest rates for loans for a principal residence shall be based on the FHA/VA rate.
- Loan repayments shall be by ACH debit only.
- Loans must be requested in writing on an application approved by the plan administrator and submitted directly to the Plan Administrator for review. The participant will be required to sign a promissory note evidencing the loan and a disclosure statement that includes an amortization schedule prior to receiving a loan check.
- All loans shall be paid in full upon separation from service.

Carried: 8 ayes, 0 nays

PUBLIC WORKS

200806A08

BY COUNCILMAN WHITFORD:

WHEREAS, National Fuel Gas Distribution Corporation, 6363 Main Street, Williamsville, NY 14221 has requested an easement for a 5' wide area of City lands to allow them to lay, maintain, operate, relocate, remove, extend and change the size of pipeline or pipelines and to install cathodic protection devices, cable, regulators, connections, meters, valves, fittings, and accessories and do such other activity as is necessary and/or convenient for system maintenance, transportation and distribution of gas, over, under and/or through said area, said lands known as Tax Map No. 387.12-8-49 and located immediately adjacent to the easterly highway bounds of Hebner Street and the northerly highway bounds of King Street; now, therefore, be it

RESOLVED, that the Mayor be, and he hereby is, authorized to enter into an easement agreement with National Fuel Gas Distribution Corporation for a 5' wide portion of City lands known as Tax Map No. 387.12-8-49, located immediately adjacent to the easterly highway bounds of Hebner Street and the northerly highway bounds of King Street.

Carried: 8 ayes, 0 nays

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BY COUNCILMAN SPITALE:

RESOLVED, that Jeffrey A. Lehman, P.E., Director of Public Works, is hereby authorized and directed to purchase one (1) new 2008 or newer Street Sweeper with Single Gutter Broom from CYNCON EQUIPMENT, INC., 7494 W. Henrietta Road, Rush, NY 14543, for the amount of \$197,800 plus chain curtain for \$1,600, for a total price not to exceed One Hundred Ninety-nine Thousand Four Hundred Dollars (\$199,400.00), this being the lowest bid received meeting specifications, in accordance with the bid opening of June 16, 2008.

Council President Pro-Tem Ecklund: I would just like to add that this piece of equipment and the next one are both part of the Capital Improvement Plan that we passed at a prior meeting so we are addressing those equipment needs at this time.

Carried: 8 ayes, 0 nays

200806A10

BY COUNCILMAN SPITALE:

RESOLVED that Jeffrey Lehman, P.E., Director of Public Works, is hereby authorized and directed to purchase one (1) new TR-50/30 50,000 lb. Capacity Four Post Drive on Lift w/30 ft. runways through Mohawk Resources Ltd., PO Box 110, 65 Vrooman Avenue, Amsterdam, NY, 12010, per New York State OGS Contract PC 54466, for a total price not to exceed Sixty-seven Thousand Eight Hundred Eighty-four Dollars and Fifty-five Cents (\$67,884.55).

Councilman Spitale: This is a new lift. The old one did not lift the vehicles – it's obsolete and this will replace it and be able to lift the heavy vehicles.

Carried: 8 ayes, 0 nays

PUBLIC SAFETY

200806A11

BY COUNCILWOMAN JONES:

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

Rebecca Camp

June 17, 2008 – June 16, 2010

Carried: 8 ayes, 0 nays

NEW BUSINESS:

200806A12

BY COUNCILMAN SZWEJBKA:

WHEREAS, On January 22, 2002 the Jamestown City Council adopted resolution number 200201C03 that effective immediately and until further notice instituted a hiring freeze for the City of Jamestown, and

WHEREAS, On November 20, 2006 the Jamestown City Council adopted resolution number 200611B17 to extend the freeze to any change in employment from Part-Time to Full-Time status, and

WHEREAS, it has become apparent that within the Jamestown Police Department in an

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effort to effectively manage the city's day-to-day responsibilities in a cost efficient manner, it is in the City of Jamestown's best interest to lift the hiring freeze for a certain position, now therefore be it

RESOLVED, that effective immediately the Jamestown City Council hereby suspends the hiring freeze instituted by resolution number 200201C03 and resolution number 200611B17 authorizing the filling of the following position due to the essential nature of the positions.

- One (1) full-time Police Officer in the Jamestown Police Department (funded through Stop DWI funds)

Councilman Szwejbka: I would just like to add that the City will incur no extra cost for this much needed position.

Carried: 7 ayes, 1 nay (Ecklund)

There being no further business, the meeting was adjourned.

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