

September 22, 2008

City Council

Proceedings by Authority

State of New York
City of Jamestown
City Council Chambers

ss:

A regular meeting of the City Council of the City of Jamestown, New York was held on Monday, September 22, 2008 at 7:30 p.m.

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

Members Absent: Council President Greg Rabb

Others Present: Mayor Sam Teresi, Director of Finance/City Clerk James N. Olson, Corporation Counsel Marilyn Fiore-Nieves, Director of Public Works Jeff Lehman, Deputy Fire Chief Lance Hedlund and Director of Public Safety/Police Chief Rex Rater

City Clerk James N. Olson called the meeting to order.

Rev. William Blair of the New Creation Assembly of God gave the invocation.

The minutes from the August, 2008 meeting were approved.

City Clerk James N. Olson asked for a nomination for a President Pro Tem.

Councilman DeJoy nominated Councilman Michael Taylor as President Pro Tem.

Councilman Whitford seconded the motion.

Councilwoman Ecklund motioned to close the nominations.

Carried: 8 ayes, 0 nays

President Pro-Tem Taylor asked for a motion for approval of the August, 2008 minutes.

Councilman Dolce moved to approve the minutes, Councilman Spitale seconded the motion.

MESSAGES FROM THE MAYOR

200809A00.01

Mayor Teresi: Thank you Mr. President. As was noted in the invocation, these are extremely difficult times with problems and challenges on the world level, the national level and even here at the local level, but it's my pleasure tonight to, at least for a couple of moments, focus on something extremely positive, a bright spot here in our community, and these are one of the duties that you look forward to as the Chief Executive Officer of a great city like Jamestown celebrating what, I believe, and I think we all know in our heart of hearts, is the best public sector work force you are going to find anywhere on the planet. It's my pleasure tonight, to again on

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behalf of the New York Conference of Mayors, which is a practice of theirs across New York State, to recognize members of our local work force that have achieved a quarter century of service milestone with the City of Jamestown. On behalf of my colleagues at the New York Conference of Mayors, Peter Baynes, our Executive Director and John McDonald, the Mayor of Cohoes, our President of our Conference have the opportunity to present 25 year certificates to various members of our workforce – two who are with us tonight – and Mr. President if you could join me down in the well of the Council Chambers to make the presentation. I'd like to call forth tonight two individuals that are in the Chamber: Lt. Brian Boehm from the Jamestown Fire Department and Lt. Jeffery Stanford from the Jamestown Fire Department.

Mayor Teresi presented the following Certificate for 25 years of Public Service.

-25-

New York State Conference of Mayors
And Municipal Officials

Presents this Twenty-Five Year Certificate
Of Public Service to

Brian J. Boehm, Fire Department
Steven L. Landy, Fire Department
Jeffery C. Stanford, Fire Department
Brian E. Wiles, Fire Department
Albert D. Cala, Public Works Department
Ernest T. Rodgers, Public Works Department
Ralph P. Alincic, Parks Department
Douglas E. Hoisington, Parks Department

In Recognition of twenty-five years of distinguished public service to your Community, the New York State Conference of Mayors is pleased and Honored to publicly acknowledge your dedication and commitment.

Peter A. Baynes
NYCOM Executive Director

OPPORTUNITIES FOR PERSONS TO ADDRESS THE COUNCIL

200809A00.02

Peter Morgante, 134 Euclid Avenue: As you know, last week I attended the Finance Committee for the first time in a long time because I wanted to find out something that had been printed in the paper and I was shocked to find out the procedures of how the City Council's working and the committee system. I just can't believe it. You spend half an hour in the committee meeting discussing an issue. Then you've got to go to the work session and you discuss the same issue, except that all of you are now informed about the issues and not just the three people. It was good because some of the people that weren't at the Finance Committee finally found out what was going on for the Finance Committee because you weren't there. You were over in the Safety Committee meeting or else up in the DPW Committee. This is what's

wrong – half of you probably don't know what's going on all the time and it's wrong. What you should do is have one week at the Safety Committee meeting, another week at Finance Committee, another Budget, and then have your voting on the fourth so that everybody knows everything that's going on. It's kind of ridiculous that a committee meeting even has to have an executive session. Then they've got to inform the work commission that they have an executive session going on – it doesn't make sense. Now I also wanted to comment that I went to the meeting purposely to address the issue of the health insurance and the benefits of the employees and I brought up an issue there and I see The Post-Journal also has brought that issue up on one of their questionnaires. Why do we have five different unions with five different health systems and benefit systems and you've only got 300 employees? And the answer is: this is the way we do things. There's nothing we can do – state mandates it. This is what is wrong that we have to do everything the way we've done it before. Now, if you take a ride down on Washington Street, I think it's 15th Street – there's a billboard down there – “A Better Way to Do Things.” Chamber of Commerce sign – bought the sign – A Better Way to Do Things in our city, believe me. We have another thing I want to bring up. People haven't understood yet that we're not on the radio anymore and they wonder where we are. I know City Council's happy because we're not on the radio anymore because they think we're always complaining and we're bringing up issues. But somehow or another, the people of Jamestown have got to find out what is going on in our city so they can understand it and why it happens. They keep asking questions. The Post-Journal puts little articles in there, little snippets, but they don't ask the question and they can't get no answers. Example: The issue with the Lucy thing. Where there's smoke, there's fire. But see, there's nothing we can do about it – it's a private organization. Everything that's going on downtown with the money being spent on the new buildings, not new buildings, fixing up the old buildings and fixing up the alleys and the driveways and everything else, and because it's all private money – they got no control about it. But these same people are applying for grant monies someplace or another, and fixing up their own plus these things and anytime you are dealing with grant monies there's got to be questions. The people got a right to know and questioning. I think somehow we've got to have some source in the City where we can challenge all these non-for-profits and see that they're doing things properly and legally. We just can't understand it. I hate to use the word the Gebbie Foundation by putting all the money in which they are doing and it's no secret – if they would take that money instead of putting it in those old stupid buildings downtown where nobody's going to come in, we know that...and have a fund where people could draw from that fund and fix up their own homes, or else they could use that to tear down half of those buildings that they haven't got any money to fix up...that would fix up our City better than fixing up those old storefronts downtown that are dilapidated and empty. That's one idea. We've got to stop depending on the DJDC from running our City and what they're doing. I don't know why, but it seems that everything's got to go through those people and they get away with it because they're non-for-profit. Well I've brought this up to them and even to the Mayor one time, if the DJDC is so concerned about our City and their sole goal is to attract people to come into the City in order to see it, why don't they force the Lucy Playhouse, the Gebbie Ice Rink, or the Ice Rink at the Civic Center a ticket fee on each person that enters their building and watches a show or an entertainment or something a 50¢ charge or 25¢ charge and the money would come back into the City so we could put it in our budget to offset the taxes that they don't pay? The same thing that we do with our BPU services where we assess everybody a certain percentages of all the utilities and the reason why so that they can feel they are paying their share of city taxes. I feel that none of these people are paying their fair share of city taxes. The only one that I know that pays something in the city taxes is the Robert Jackson Center – they pay something into the City. They are the only ones.

Councilman Taylor:

Mr. Morgante –

Mr. Morgante:

Is your clock on Mr. Taylor, I'll stop it. I think it bothers you when I address things like that, but ...

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Councilman Taylor:

Thank you Mr. Morgante.

200809A00.03

James Slagle, 110 W. 3rd Street, Hotel Jamestown: The stupid buildings you're talking about – those buildings some day are going to be filled and doing the face of these buildings is going to make the City of Jamestown a lot better than it is. Because it's going to be a change on these old buildings – am I right Mayor? And another thing I want to bring up – I talked to Jeff about these sidewalks – this guy down in the Hotel on Third Street – that sidewalk is raised about that much. I don't know what we have to do to get him to do anything...handicapped here like my wife, and other older people at that building are going up the sidewalk on Cherry Street. It dangerous – mostly in the wintertime. Because you get a little bit of ice on there – their electric wheelchairs can't make it up that grade and these handicapped curbs you've got out here – sometimes the cement is broke off. Me and my wife up here tonight and I seen a lot of that – it's being chipped up and it raises up about that much. Those things need to be taken care of. Right down here coming down this ramp to the building here – that's beginning to chip all up too – it was all chipped up tonight when I brought my wife up that ramp. But my mostly concern is getting these sidewalks taken care of for the handicapped people and all the other people in the City of Jamestown. Michael, I talked to you about...you told me that they are going to have something done about 4th Street, right? And that two way?

Councilman Taylor: There is – I'm sorry – do you know the date of the presentation regarding the...it's October 8th? It is? Alright. ...the presentation of the traffic study will be on October 8th.

Mr. Slagle:

Can you send me something on that when it's over with?

Councilman Taylor:

Yes.

Mr. Slagle: And I want to commend Chief Rater and his officers of the Jamestown Police Department. I think we have the finest Police Department in the City of Jamestown. I hear on my scanner every day at home that they got somebody dealing with drugs or domestic violence – they're right on top of it. Like I heard tonight there was some goings on I guess at one of the malls that was giving them a hard time – the police were right on it just like that. Chief Rater – I really commend the Police Department. I know you councilmen have a lot to take care of, but it takes the citizens to show...to point out the issues that we see every day that you don't and I'd like to see these old buildings being taken care of. Now like that building in back of U.S. News – they're fixing that building up for apartments; and the Wellman Building...they're doing that one up too; so I don't think it's a stupid thing not to do our buildings downtown and in the City of Jamestown; maybe we could get more business in that way. Now they started on our building and I know they're starting on Main Street and all the streets above that, but I think it's going to be a nice looking city after they get done. This traffic light on Cherry & Fourth at the crosswalk to the parking ramp – Chief Rater, I want to bring this up to you...when that red light comes up, they run it. When we have the walkway when the light turns on so we can walk, they still run that red light. Somebody's going to get hurt. Elizabeth, an office worker at the Hotel Jamestown told me about it that she almost got hit. It's on the corner of 4th & Cherry – by the Cherry Lounge. I don't know what's the matter with these people – they don't know what a red light means. They don't know about speed limits or anything like that – I've never seen anything like it in my whole life. Mayor, you are doing a wonderful job for the City of Jamestown – you really are. You were down in my building the other day. Remember? I know I've been away eight years, but I'm trying to get back in my home town here which I was here since I was a boy and I see things that's coming together – but it's going to take a lot of work out of the public and you people and all of us in the City of Jamestown. Thank you.

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Councilman Taylor:
to speak?

Thank you very much sir. Any other persons who wish

200809A00.04

Francis Pangborn, 110 W. 3rd Street: I agree with this gentleman on the sidewalks – the sidewalks are really, really bad; that's why I came up to make a complaint on it. That's all I had to say. Thank you.

Councilman Taylor:

Thank you sir.

Mr. Lehman: I would just note that Resolution No. 16 addresses the parking ramp and sidewalk improvements.

Mayor Teresi: Mr. President, if I could, Mr. Morgante is still here, I just want to note for the record, Mr. Morgante's question about why there are only bargaining units representing the different groups of employees...I believe that with the Federal Wagner Act back in the 1930's that provided the right to all workers without the interference of their employers or other political bodies or other groups or organizations the right to organize unions or to join unions of their choice, or not to join a union of their choice. I just wanted to note that different groupings of individuals, individual employees within the City workforce over the generations have decided to establish specific bargaining units or to join existing bargaining units and one in the Police Department, Fire Department and the AFSCME unit who represents our streets and parks workers. We have the CSEA that represents a lot of the clerical workers throughout the City as well as the Jamestown City Administrators Association that is affiliated with the teachers' union in New York State that represents another group that are administrators in mid-management. These unions have been established for different groupings of employees who decided to join those unions in accordance with the Wagner Act without the interference of the city over the years. That is their legal right to do so and to answer Mr. Morgante's question – that is why there are five different bargaining units representing the different employees of the City of Jamestown.

There is one health care benefit program for all city employees, but there are variations as to the out-of-pocket contribution levels that each grouping of employees, depending on which bargaining unit they belong to, pay, and that has been a function of negotiation, the open and unfettered negotiation process. So I want to note for the record there is one health care benefit program for all employees with everybody obtaining the same benefits and services; but each grouping of employees which has been a function of the various contract negotiation processes have slightly different levels of contributions. Thank you.

REPORTS OF STANDING COMMITTEES

FINANCE COMMITTEE

200809A01

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

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and Trust & Agency Fund \$4,392,663.60 in accordance with the period ending September 22, 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 \$3,620,869.13 and payrolls in the total amount \$771,794.47, 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

200809A02

BY COUNCILMAN DeJOY:

RESOLVED, That the Mayor of the City of Jamestown be, and he hereby is, authorized to enter into a three-year contractual agreement with Allpro, LLC, 465 Main Street, Buffalo, New York 14203 for the management of three (3) city-owned parking garages and four (4) surface parking lots, September 1, 2008 to August 31, 2009, \$22,500, September 1, 2009 to August 31, 2010, \$23,300, September 1, 2010 to August 31, 2011, \$24,100 subject to the approval of the Corporation Counsel as to form.

Carried: 8 ayes, 0 nays

200809A03

BY COUNCILMAN DeJOY:

RESOLVED, That the Mayor be, and he hereby is, authorized to enter into an agreement with Schichtel's Nursery of Orchard Park, New York, in the amount of \$6,550.00 for the purchase of nursery stock; with Concord Nurseries of North Collins, New York, in the amount of \$2,976.00 for the purchase of nursery stock; with Russell's Tree and Shrub Farm, East Amherst, New York in the amount of \$8,798.00; and with Horticultural Associates of Rochester, Rochester, New York, in the amount of \$2,775.00 for the purchase of nursery stock.

Carried: 8 ayes, 0 nays

200809A04

BY COUNCILMAN DeJOY:

WHEREAS, the Jamestown City Council has reviewed the potential environmental impacts of the proposed McCrea Point Park improvements, including handicapped accessible pedestrian and bicycle paths, shoreline stabilization, and boat launch enhancements, through the preparation of an Environmental Assessment Form in accordance with 6 NYCRR Part 617, pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law and in accordance with Chapter 134 of the Code of the City of Jamestown (Environmental Review Ordinance), and

WHEREAS, this Environmental Assessment Form analysis indicates that this action will not cause any significant environmental impacts, now therefore be it

RESOLVED, that pursuant to 6 NYCRR Part 617 and Chapter 135 of the Code of the City of Jamestown, the Jamestown City Council has determined that the proposed improvements to McCrea Point Park will not have a significant impact on the environment, and be it further

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RESOLVED, that the Mayor is hereby authorized and directed to sign the attached Environmental Assessment Form stating that the action as proposed will not have a significant impact on the environment.

Carried: 8 ayes, 0 nays

200809A05

BY COUNCILMAN DeJOY:

RESOLVED, That the Mayor be, and he hereby is, authorized to enter into a five year agreement with the Gebbie Foundation, 111 West Second Street, Jamestown, New York 14701 for the lease of the West Second Street and Washington Street parking lot at a cost of \$1.00 per year beginning October 1, 2008 with a sixty-day (60) cancellation clause by either party subject to the approval of the Corporation Counsel as to form.

Councilman DeJoy: This is another example of public/private collaboration to address parking concerns with future development on the west side of town and this is an agreement that will help establish parking for this future development.

Carried: 8 ayes, 0 nays

200809A06

BY COUNCILMAN DeJOY:

RESOLVED, That warrants be drawn and paid to the respective owners and paying agents the sum of six thousand one hundred eighty-six dollars and twenty-five cents (\$6,186.25) in accordance with the bond and note requirements as follows:

Public Improvement Bonds, issue of October 15, 1991, six thousand one hundred eighty-six dollars and twenty-five cents (\$6,186.25) for six months interest at 7.00% per annum on one hundred seventy-two thousand five hundred dollars (\$172,500).

Carried: 8 ayes, 0 nays

200809A07

BY COUNCILMAN DeJOY:

RESOLVED, That warrants be drawn and paid to the respective owners and paying agents the sum of four hundred three thousand five hundred three dollars and thirteen cents (\$403,503.13) in accordance with the bond and note requirements as follows:

Public Improvement Bonds, Series A, issue of March 9, 2006, three hundred sixty thousand dollars (\$360,000) principal and forty-three thousand five hundred three dollars and thirteen cents (\$43,503.13) for six months interest at 4.50% per annum on two million sixty thousand dollars (\$2,060,000).

Note: Refunding of 1994A and 1999B (partial) issues. Interest savings \$12,773.12 for this payment.

Carried: 8 ayes, 0 nays

200809A08

BY COUNCILMAN DeJOY:

RESOLVED, That warrants be drawn and paid to the respective owners and paying agents the sum of one hundred fifty-seven thousand, eight hundred seventy-five dollars (\$157,875.00) in accordance with the bond requirements as follows:

Public Improvement Bonds, Series B, issue of September 15, 1999, one hundred fifty thousand dollars (\$150,000.00) principal and seven thousand eight hundred seventy-five dollars (\$7,875.00) for six months interest at 5.25% per annum on three hundred thousand dollars (\$300,000.00).

Carried: 8 ayes, 0 nays

200809A09

BY COUNCILMAN DOLCE:

RESOLVED, That the City Comptroller be, and he hereby is, authorized to make the following amendment to the 2008 General Fund Budget for the purpose of replacing the temperature and monitor sensor at the North Main Street Parking Garage:

INCREASE:	Appropriations Engineering A.1440.0200	\$2,500.00
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DECREASE:	Appropriations Contingency A.1990.0400	\$2,500.00
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Carried: 8 ayes, 0 nays

200809A10

BY COUNCILMAN DOLCE:

RESOLVED, That the City Comptroller be, and he hereby is, authorized to make the following amendment to the 2008 General Fund Budget for the purpose of purchasing a heavy-duty tractor to be utilized for snow removal, parks mowing and leaf pickup:

INCREASE:	Appropriations DPW Capital Equipment H.9551.0400.0019	\$40,000.00
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DECREASE:	Appropriations Contingency A.1990.0400.0000	\$40,000.00
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Councilman Dolce: I just want to add to that that as we have done in the past as we get to this point of the year and we still have a very sizable amount left in contingency, that this is a

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badly needed piece of equipment that is very important to the snow removal particularly on the southeast side of Jamestown on the hills; and as was noted last week, rather than bond for this piece of equipment, we are able to pay cash for it and anytime we can pay cash for something and save on the interest – it certainly is a win situation for the City, so I certainly hope everyone will support this.

Carried: 8 ayes, 0 nays

200809A11

BY COUNCILMAN DOLCE:

RESOLVED, That Police Officer Brandon Maggio, be, and he hereby is, authorized to attend the New York State Highway Safety Annual Fall Conference, to be held in Syracuse, New York, October 19-22, 2008 with expenses paid pursuant by STOP DWI Funds.

Carried: 8 ayes, 0 nays

200809A12

BY COUNCILMAN DOLCE:

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 Fire Department an 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 certain positions, 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 positions due to the essential nature of the positions.

- Two (2) Fire Fighters in the Jamestown Fire Department (2 retirements funded in the 2008 General Fund Budget).

Councilman Dolce: I just wanted to mention that these two replacements replace, I believe, two gentlemen that were on disability so it does a number of things: first of all, it brings our force back up to a higher strength; and secondly, it will help on overtime costs as you know we're struggling with the overtime budget for the Fire Department; and also, these first year firemen will be brought on at a much lower salary, so it's a three-prong win for the City.

Carried: 8 ayes, 0 nays

200809A13

BY COUNCILMAN DOLCE:

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

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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 with the desire 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 position.

- One (1) Senior Account Clerk Typist to be located in the City Finance Department to address Police payroll functions and other administrative duties as assigned by the Director of Financial Services/City Clerk (1 resignation funded in the 2008 General Fund Budget).

Carried: 8 ayes, 0 nays

200809A14

BY COUNCILMAN DOLCE:

WHEREAS, the Downtown Jamestown Development Corporation is desirous of contributing two bicycle racks valued at approximately \$450.00 to the City of Jamestown to be used within the downtown business district, and

WHEREAS, the proposed gift will allow the City of Jamestown to assist employees and visitors of the downtown business district with the parking of their bicycles encouraging them to bike to work versus using other forms of transportation; now therefore be it

RESOLVED, that the City of Jamestown hereby accepts the donation, and be it further

RESOLVED, that the Jamestown City Council hereby extends its appreciation and gratitude on behalf of the citizens of the City of Jamestown to the downtown Jamestown Development Corporation for its generous donation.

Carried: 8 ayes, 0 nays

200809A15

BY COUNCILMAN DOLCE:

RESOLVED, That the City of Jamestown Management Employee Guidelines, last revised November 17, 2003, be and they hereby are, further revised and updated, effective January 1, 2009. (See attached copy of revised Management Employee Guidelines.)

Carried: 8 ayes, 0 nays

PUBLIC WORKS

200809A16

BY COUNCILMAN SPITALE:

RESOLVED, That the bid submitted by Remco Construction Co., Inc., 329 Main Avenue, PO Box 904, Warren, PA 16365, for Tracy Plaza Accessible Ramp and Sidewalk Improvements, based on the bid opened September 10, 2008, in the following amounts, be and the same hereby

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is accepted:

965 SF Flat Work: 6 inch at \$5.00 SF	
80 LF Drain Tile at \$45.00 LF	
80 LF Set Granite Curb at \$85.00 LF	
0 CY Additional Excavation at \$30.00 CY	
0 CY Additional Backfilling at \$55.00 CY	
<u>Unit Price Bid Items</u>	\$15,225.00
Lump Sum Base Bid	<u>128,000.00</u>
Total Bid Proposal	\$143,225.00

for a total bid amount of One Hundred Forty-three Thousand Two Hundred Twenty-five Dollars (\$143,225.00), this being the lowest of three bids received, and be it further

RESOLVED, That the Mayor be, and he hereby is, authorized to execute an agreement with Remco Construction Co., Inc., which agreement will reflect the services to be performed by Remco Construction Co., Inc., at the prices referred to above, said agreement to be subject to approval as to form by the office of the Corporation Counsel.

Councilman Spitale: This will open up the front of the City Hall so that it is more accessible for handicapped individuals. This will answer your question Sir, that you addressed earlier.

Carried: 8 ayes, 0 nays

200809A17

BY COUNCILMAN SPITALE:

RESOLVED, That the bid submitted by R. Patti Concrete & Excavating LLC, PO Box 3081, Jamestown, NY 14702, for Concrete Work: Street Reconstruction 2008, Camp Street, based on the bid opened September 15, 2008, in the following amounts, be and the same hereby is accepted:

8000 SF Flat Work: 4 inch at \$4.70 SF	
2000 SF Flat Work: 6 inch at \$5.70 SF	
2250 LF Standard 18" Curb & Gutter: Slip-form at \$17.95 LF	
24 LF 18" Curb & Gutter: Stationary-form at \$20.00 LF	
12 LF Vertical Curb: Stationary-form \$0 LF	
25 LF Steps at \$0 LF	
12 EA Core Drill: 4 inch diameter at \$ 0 EA	
10 TON Additional Stone at \$40.00 TON	
10 CY Additional Excavation: \$0 CY	
0 SF Stamped Concrete: Brick N/A	
0 LF Valley Cub & Gutter: Slip-form at N/A	
160 SF ADA Accessible Curb Cuts (detectable warning surface) at \$29.00 SF	

for a total bid amount of Ninety-four Thousand Nine Hundred Seven Dollars and Fifty Cents (\$94,907.50), this being the lower of two bids received, and be it further

RESOLVED, That the Mayor be, and he hereby is, authorized to execute an agreement with R. Patti Concrete & Excavating LLC, which agreement will reflect the services to be performed by R. Patti Concrete & Excavating LLC at the prices referred to above, said agreement to be subject to approval as to form by the office of the Corporation Counsel.

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Carried: 8 ayes, 0 nays

PUBLIC SAFETY

200809A18

BY COUNCILMAN SZWEJBKA:

RESOLVED, That the "Ordinance for the Adoption and Administration of the Revised Position and Classification and Compensation Plan" for the Municipal Civil Service as heretofore adopted, amended and continued, be and the same is hereby further amended as follows:

The part-time position of Personal Computer Specialist in the Information Services Department is hereby created at the following salary range:

<u>Step 1</u>	<u>Step 2</u>	<u>Step 3</u>	<u>Step 4</u>	<u>Step 5</u>	<u>Step 6</u>
\$18.43	\$19.30	\$20.15	\$20.92	\$21.71	\$22.59

Councilman DeJoy: I'd just like to say that this isn't just an additional hire, this is a restructuring of going from a computer analyst which is kind of from a by-gone era of the big mainframe computers and programming and writing code to a position that's geared toward personal computers and keeping the network running, and this is a part-time position and we're just basically restructuring.

Carried: 8 ayes, 0 nays

200809A19

BY COUNCILMAN JONES:

RESOLVED, That the following persons be, and they hereby are, reappointed to the office of Commissioner of Deeds in and for the City of Jamestown for a term of two years:

Andrea Magnuson	October 19, 2008 to October 18, 2010
MaryBeth DiMaio	October 18, 2008 to October 17, 2010

Carried: 8 ayes, 0 nays

HOUSING

200809A20

BY COUNCILMAN WHITFORD:

WHEREAS, at the November 14, 2007 meeting of the Strategic Planning and Partnerships Commission meeting, the members unanimously approved the Neighborhood Revitalization Strategic Priorities and Recommendations as offered by the Commission's Neighborhood Revitalization Sub-Committee, and

WHEREAS, among the strategies recommended were the establishment and support of neighborhood revitalization organizations, the marketing of Jamestown neighborhoods, the promotion of homeownership within the City of Jamestown, and the provision of resources for

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owner-occupied home improvement and rental property improvement strategies, and

WHEREAS, the Strategic Planning and Partnerships Commission also recommended that the Mayor and the Jamestown City Council agree to the preparation of a Neighborhood Revitalization Plan similar to the recently adopted, award-winning Urban Design Plan, and

WHEREAS, on December 3, 2007, members of the Strategic Planning and Partnerships Commission presented the strategies and recommendations to the Mayor and members of the Jamestown City Council, and

WHEREAS, the Housing Committee of the Jamestown City Council is in full support of the strategies and recommendations as presented by the Strategic Planning and Partnerships Commission and further endorsed by the City of Jamestown Planning Commission, and

WHEREAS, on August 19, 2008, members of the City of Jamestown Planning Commission unanimously embraced the concept of moving forward with a Neighborhood Revitalization Plan similar to the Urban Design Plan, and

WHEREAS, the City of Jamestown Comprehensive Plan adopted in 1998 offered specific neighborhood revitalization recommendations which included; zoning changes to maintain the integrity of existing single-family residential neighborhoods and to protect at-risk residential neighborhoods; the continuation and reinforcement of the City's successful housing rehabilitation and aggressive code enforcement programs; the improvement, maintenance, and re-use of existing housing stock through a coordinated re-use strategy with demolitions being considered a "last resort" measure; the creation of distinct neighborhood centers around parks, schools, churches, neighborhood markets, coordinated signage, adaptive re-use of vacant structures, and the designation of local residential historic districts; and the recognition of the aging population in Jamestown's neighborhoods through the continuance of the City's successful owner-occupied housing rehabilitation programs; and

WHEREAS, the City of Jamestown has been designated an entitlement community for Community Development Block Grant funding since 1990 and has been designated an entitlement community for HOME Program funding since 1996, and

WHEREAS, the U.S. Department of Housing and Urban Development (HUD) requires that entitlement communities adopt a set of comprehensive neighborhood revitalization strategies called a Consolidated Plan which guides the annual expenditures of both the Community Development Block Grant and HOME Program funding, and

WHEREAS, the City of Jamestown's FY 2005 – FY 2009 Consolidated Plan will be updated and revised for the fiscal years FY 2010 – FY 2014, now therefore be it

RESOLVED, that the City Council of the City of Jamestown, in support of the strategies and recommendations as presented by the Strategic Planning and Partnerships Commission, hereby recommends that the updated and revised FY 2010 – FY 2014 Consolidated Plan serve as the Neighborhood Revitalization Plan for the City of Jamestown, and be it further

RESOLVED, that the staff of the Jamestown Urban Renewal Agency, which administers the Community Development Block Grant and HOME Program funding on behalf of the City of Jamestown, is charged with the revision of the FY 2010 – FY 2014 Consolidated Plan and with the expansion of its scope to include the strategies and recommendations as presented by the Strategic Planning and Partnerships Commission by seeking input from all involved housing and community development entities, housing and community development professionals, and the citizens of the City of Jamestown in order to update and revise the FY 2010 – FY 2014 Consolidated Plan into a comprehensive set of neighborhood development strategies that will serve as the Neighborhood Revitalization Plan for the City of Jamestown.

Carried: 8 ayes, 0 nays

BOARDS, COMMISSIONS AND AGENCIES

JAMESTOWN LOCAL DEVELOPMENT CORPORATION

200809A21

BY COUNCILWOMAN ECKLUND:

WHEREAS, The Jamestown City Council at a regular meeting held on September 21, 1981, authorized the Mayor of the City of Jamestown to enter into an agreement with the Jamestown Local Development Corporation delegating to the Jamestown Local Development Corporation responsibility for the processing and approval of loan applications for "first instance" Urban Development Action Grant re-use money; and

WHEREAS, Article V, Section 3 of said bylaws of the Jamestown Local Development Corporation requires that no loan of Urban Development Action Grant originated moneys in excess of one hundred thousand dollars (\$100,000.00) be placed without prior approval of the City Council of Jamestown, New York; and

WHEREAS, Shults Real Estate, LLC - Signature Nissan Subaru has made an application to the Jamestown Local Development Corporation for a loan of One hundred seventy five thousand dollars (\$175,000), through the Jobs and Private Investment Loan Program (Tier I) as part of a \$1,100,000 project involving the renovation and expansion of real property located at 311 Fluvanna Ave. Jamestown, and

WHEREAS, the Board of Directors of the Jamestown Local Development Corporation, at its meeting held on September 11, 2008, gave preliminary approval for a loan to Shults Real Estate, LLC Signature Nissan Subaru of one hundred seventy five thousand dollars (\$175,000.00) at a 5% rate of interest for a ten (10) year term subject to the ratification by a majority vote of the City Council of Jamestown, New York; now therefore be it

RESOLVED, that the Jamestown City Council hereby approves the Jamestown Local Development Corporation loan to Shults Real Estate, LLC Signature Nissan Subaru of one hundred seventy five thousand dollars (\$175,000.00) at a 5% rate of interest for a ten (10) year term with collateral being; a second security mortgage position on the real properties located at 254 Fluvanna Ave., 300 Fluvanna Ave., 311 Fluvanna Ave., 305 Fluvanna Ave., 316 Fluvanna Ave., and 1315 Washington Street Jamestown New York behind a 3.5 million first position blanket mortgage to be held by GMAC and a second position on assignment of rents/ leases on 311 Fluvanna Ave. and an assignment of the Member's Draw and personal guarantees from Tim M. and Edmond R. Shults.

Councilman Dolce: Just briefly, these two resolutions – I just want to recognize the Ed Shults Group for their commitment to the City of Jamestown as one of the larger businesses and an anchor on Washington & Fluvanna Avenue and certainly would encourage fellow council members to support these resolutions.

Carried: 8 ayes, 0 nays

200809A22

BY COUNCILWOMAN ECKLUND:

WHEREAS, The Jamestown City Council at a regular meeting held on September 21, 1981, authorized the Mayor of the City of Jamestown to enter into an agreement with the Jamestown Local Development Corporation delegating to the Jamestown Local Development Corporation responsibility for the processing and approval of loan applications for "first instance"

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Urban Development Action Grant re-use money; and

WHEREAS, Article V, Section 3 of said bylaws of the Jamestown Local Development Corporation requires that no loan of Urban Development Action Grant originated moneys in excess of one hundred thousand dollars (\$100,000.00) be placed without prior approval of the City Council of Jamestown, New York; and

WHEREAS, Shults Real Estate, LLC Shults Imports Inc. dba Shults Hyundai has made an application to the Jamestown Local Development Corporation for a loan of One hundred seventy five thousand dollars (\$175,000), through the Jobs and Private Investment Loan Program (Tier I) as part of a \$825,000 project involving the new construction of real property located at 2258 Washington St. Jamestown, and

WHEREAS, the Board of Directors of the Jamestown Local Development Corporation, at its meeting held on September 11, 2008, gave preliminary approval for a loan to Shults Real Estate, LLC Shults Imports, Inc dba Shults Hyundai of one hundred seventy five thousand dollars (\$175,000.00) at a 5% rate of interest for a ten (10) year term subject to the ratification by a majority vote of the City Council of Jamestown, New York; now therefore be it

RESOLVED, that the Jamestown City Council hereby approves the Jamestown Local Development Corporation loan to Shults Real Estate, LLC Shults Imports, Inc dba Shults Hyundai of one hundred seventy five thousand dollars (\$175,000.00) at a 5% rate of interest for a ten (10) year term with collateral being; a second security mortgage position on the real properties located at 254 Fluvanna Ave., 300 Fluvanna Ave., 311 Fluvanna Ave., 305 Fluvanna Ave., 316 Fluvanna Ave., and 1315 Washington Street Jamestown New York behind a 3.5 million first position blanket mortgage to be held by GMAC. and a second mortgage position on the real property located at 2258 Washington St. behind PNC Banks \$325,000 first mortgage, and assignment of rents/ leases on 2258 Washington St. and an assignment of the Member's Draw and personal guarantees from Tim M. and Edmond R. Shults.

Carried: 8 ayes, 0 nays

NEW BUSINESS

200809A23

BY COUNCILMAN DeJOY:

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 with the desire 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 position.

- One (1) Part-time Personal Computer Specialist (1 resignation funded in the 2008 General Fund Budget).

Councilman DeJoy: This is in regards to Resolution No. 18 creating the position of the part-

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time computer specialist. Again, going from a Programmer Analyst to a Personal Computer Specialist – changing of the times.

Carried: 8 ayes, 0 nays

Councilman Dolce: I just wanted to say it's a pleasure to look to my left and see one of my former students (I sound like Mr. McElrath now) and I was just showing some of my current students a picture of us singing the national anthem at the old Chicago Stadium during a Bulls game. I said "and there's Councilman Taylor standing right there."

Councilman Taylor: And for the record, I just wanted to add to that as well, if I may, that that exact same day, us along with Jeff Keppel, distinguished teacher as well as a couple other friends, we actually appeared on the Jerry Springer Show...

Councilman Dolce: ...don't bring that up...This was before they had beads and fought and all that stuff...

Councilman Taylor: Yes – that's very true.

There being no further business, the meeting was adjourned.

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