

December 1, 2008

City Council

Proceedings by Authority

State of New York
City of Jamestown
City Council Chambers

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A Special Meeting of the City Council of the City of Jamestown, New York was held on Monday, December 1, 2008 at 6:00 p.m.

Members Present: Council President Gregory Rabb, Council Members Stephen Szwejbka, Anthony J. Dolce, Vincent DeJoy, Maria Jones, Paul Whitford, Kimberly Ecklund, and George Spitale

Members Absent: Michael Taylor

Others Present: Mayor Sam Teresi, Director of Financial Services/City Clerk James N. Olson, Comptroller Joseph Bellitto, Corporation Counsel Marilyn Fiore-Nieves, Police Chief/Director of Public Safety Rex Rater, Deputy Fire Chief Lance Hedlund, Director of Public Works Jeffrey Lehman

Council President Gregory Rabb called the Special Meeting to order.

OPPORTUNITY FOR PERSONS TO ADDRESS THE COUNCIL

200812A00.01

Jim Walton, 422 Crossman Street: It's my understanding that some of the things on the Agenda tonight are the passing of the budget which will involve the parking meter increases. I have just invested in excess of \$30,000 in downtown Jamestown to put in a new retail establishment across the street from my old one and I'm pretty much convinced that raising the rates to \$.50, you'll drive what little foot traffic there is downtown probably out of downtown. We need to look at a more comprehensive parking policy. You've hired a consultant, paid him an outrageous amount of money and haven't implemented any of his recommendations. He is absolutely correct. There are 20 or 25 different rules and regulations governing parking in downtown Jamestown and that's absolutely ludicrous. The doubling of the fees, if you're dreaming and thinking that that's really going to double your revenue – you're absolutely and completely wrong. I will bet anyone \$100 on that tonight that you won't get twice as much money as you did last year. We need to take a look at the whole parking meter issue. I receive complaints from customers and from friends all the time that say "these meters are not accurate," and they are not accurate. Most of the meters are running short; they're electronic; they're run by batteries; the batteries run down; they run short. They run short four or five minutes – that could be a \$25 bill and that's the last time you'll see somebody downtown. So I think we need to look at that. I think the other thing that we're looking at is that with an increase in the budget, I find it hard to believe that there isn't a situation where we couldn't eliminate some additional positions within the City; I don't think we've looked at that. As far as releasing hiring freezes to hire police, fire, Dept. of Public Works people, everyone who gets hired now should be under a two tier system as far as contractual agreements go. To continue to hire people and with the contracts that we currently have in place, it just exacerbates your situation and you will continue to spiral into a downward trend where you won't have enough money and you'll have to raise taxes and you'll get people to move out. Two tiered contracts are done in many places, done in many businesses; United Auto Workers now do it in Detroit. The starting salary for an auto worker on the line in Detroit is, I believe, \$14.25, not the \$58.00 that we're all hearing that everyone's complaining about. So I think that those things need to be considered, need to be discussed in

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public and not behind doors and not memoed out of existence by the current administration and by the leadership of this Council. I thank you for your time.

200812A00.02

Peter Morgante, 134 Euclid Avenue: I wasn't going to address the parking issue completely, but I would like to suggest that...I hope you haven't bought the meters with the understanding that the \$.50 charge is automatically going to pass, because it might not pass. Now the biggest problem with you, when you accepted the approval of this firm with the increase of the fees, you never consulted the people downtown. I personally went and saw Mr. Lee Harkness and asked him about the issue, and also John Merino of the Gebbie Foundation – they're both against the issue. We can't understand, outside of a few people, these Allpro Parking, are the only ones that want it. And like I told you that one week, if you would meter the unmetered prime locations, you would increase the amount of money that you're going to make anyways. The issue is that everybody should be metered if you're going to meter them, and not increase the fees of the ones who really pay. You'll be affecting the people at the Library, The City Hall, the County Building, the YMCA, the people that use City every day. You're not going to bring in new people – that's all done on the issue there. Now, I'm going to go to the budget. Because I'm only a city taxpayer offering comments, suggestions, and opinions, I'm considered the arm chair quarterback – always criticizing. While The Post-Journal editorial December 16, 2007 suggested City Council forge a new way of handling City budgets and business generating new ideas in policies to help reverse the burden of the increasing costs and the taxes that have been placed on the City too long. Never accept the excuse "that's the way we've always done it before and we're going to continue doing it the same way." Now that was an editorial printed in The Post Journal and if you want to read the whole thing – it's in there. If this was an election year, you would never dare pass this budget with the annual wage increases of \$1500.00 to \$3,000 plus benefits per employee and other financial commitments and the \$.50 increase in the property taxes and the more than \$13,000,000.00 of unfunded needs that you need and the comment that some of you have said "you haven't seen anything until you see next year's budget." Now I believe that Mayor Teresi is as an informed and a knowledgeable Mayor as we've ever had; however, he acts as a City Manager controlling the management of his departments and the budgets of all the departments. And, I also believe that City Council should not be forced to micromanage the City Departments as to their budgets and the leadership management. The big issue appears to be management, overtime and fund balance. Council should bring in a firm such as the BWB who advises people and handles financial things and has knowledge of handling affairs. Council has no knowledge or expertise onto the ongoing issues as against the professional department heads. I believe the big issue of the budget is funding. We have an unexplainable fund balance of \$2.1million dollars; we have debt payments of \$2.4 million dollars yearly and we also have a total debt of \$43.5 million dollars facing the City. And we also moved our tax date which used to be April 1st back to January 1st to solve a cash flow problem....so I don't understand why we need the fund balance, really. When you have a budget of \$30,000,000 and 76% of that budget is wages and benefits, and 10% of that is debt, you've got more problems than General Motors. We are not in a recession, we are in a depression. City must learn and adapt debit/credit only. That means you've got to have the money before you buy something. Services need to be eliminated and not cut, and the hiring freeze should be enforced all the time. You got to cut services sometimes, and you can't put on more employees just to replace that. But we've got a problem there. Thank you.

REPORT OF STANDING COMMITTEES

FINANCE COMMITTEE

200812A01

BY COUNCILMAN DeJOY:

RESOLVED, that the City of Jamestown General Operating Budget as set forth herewith, be and hereby is approved and adopted effective January 1, 2009 for the fiscal year ending December 31, 2009, and that the sum shown amounting to \$31,044,672 be appropriated for the use of Boards, Departments, and Officers enumerated, and

WHEREAS, the Budget shows an estimated income from various miscellaneous Revenues of \$17,820,382, and the use of estimated surplus of \$300,000 now therefore be it

RESOLVED, that in pursuance of Section C-39.G. of the Charter of the City of Jamestown, New York, there is hereby levied on the taxable properties and against the inhabitants of the City of Jamestown, New York, and ordered to be raised for the year 2009, the sum of \$12,924,290 the amount which is necessary to be raised by direct tax.

CITY OF JAMESTOWN, NEW YORK

GENERAL OPERATING BUDGET for the Fiscal Year

JANUARY 1, 2009 to DECEMBER 31, 2009

<u>ACCOUNT</u>	<u>2009 BUDGET</u>
<u>GENERAL GOVERNMENT SUPPORT</u>	<u>3,498,161</u>
A1010 COUNCIL	<u>75,000</u>
Salaries	46,000
Contractual Services	29,000
A1210 MAYOR	<u>168,726</u>
Salaries	153,808
Equipment	-
Contractual Services	14,918
A1310 DIRECTOR OF FINANCE	<u>116,740</u>
Salaries	114,940
Contractual Services	1,800
A1315 COMPTROLLER	<u>183,748</u>

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	Salaries	164,923	
	Equipment	1,500	
	Contractual Services	17,325	
A1325	TREASURER		<u>99,923</u>
	Salaries	96,323	
	Equipment	-	
	Contractual Services	3,600	
A1355	ASSESSOR		<u>192,219</u>
	Salaries	165,119	
	Equipment	-	
	Contractual Services	27,100	
A1410	CITY CLERK		<u>129,954</u>
	Salaries	92,454	
	Equipment	-	
	Contractual Services	37,500	
A1411	BINGO		<u>200</u>
A1420	CORPORATION COUNSEL		<u>132,824</u>
	Salaries	123,824	
	Equipment	-	
	Contractual Services	9,000	
A1435	HUMAN RESOURCES		<u>45,146</u>
	Salaries	44,596	
	Contractual Services	550	
A1440	ENGINEER		<u>299,472</u>
	Salaries	284,972	
	Equipment	3,000	
	Contractual Services	11,500	
A1620	BUILDINGS-City Hall		<u>468,396</u>
	Salaries	89,771	
	Equipment	3,500	
	Contractual Services	375,125	
A1621	BUILDINGS-Steele St.		<u>26,700</u>
	Salaries	4,700	
	Equipment	2,500	
	Contractual Services	19,500	

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A1640	CENTRAL GARAGE		<u>837,034</u>
	Salaries	379,034	
	Equipment	20,000	
	Contractual Services	438,000	
A1680	DATA PROCESSING		<u>135,579</u>
	Salaries	96,393	
	Equipment	18,365	
	Contractual Services	20,821	
A1910	PROPERTY & LIABILITY INSURANCE		<u>295,000</u>
A1930	JUDGMENTS & CLAIMS		<u>75,000</u>
A1950	TAXES & ASSESSMENTS ON CITY PROPERTY		<u>15,500</u>
A1964	REFUND OF PROPERTY TAX		<u>1,000</u>
A1990	CONTINGENCY ACCOUNT		<u>200,000</u>
	<u>PUBLIC SAFETY</u>		<u>10,186,421</u>
A3020	COMMUNICATIONS		<u>63,000</u>
	Salaries	-	
	Equipment	-	
	Contractual Services	63,000	
A3120	POLICE DEPT.		<u>5,081,089</u>
	Salaries	4,851,089	
	Equipment	20,000	
	Contractual Services	210,000	
A3170	COURT SECURITY		<u>154,202</u>
	Salaries	154,202	
	Equipment	-	
	Contractual Services	-	
A3310	TRAFFIC CONTROL		<u>227,627</u>
	Salaries	178,477	

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	Equipment	13,250	
	Contractual Services	35,900	
A3330	PARKING METER ATTENDANTS		<u>67,650</u>
	Salaries	62,650	
	Contractual Services	5,000	
A3410	FIRE DEPT.		<u>4,534,717</u>
	Salaries	4,372,717	
	Equipment	17,000	
	Contractual Services	145,000	
A3510	ANIMAL CONTROL		<u>58,136</u>
	Salaries	32,036	
	Equipment	-	
	Contractual Services	26,100	
	<u>TRANSPORTATION</u>		<u>2,961,597</u>
A5010	STREET ADMINISTRATION		<u>72,978</u>
	Salaries	70,378	
	Contractual Services	2,600	
A5110	STREET MAINTENANCE		<u>1,332,619</u>
	Salaries	782,619	
	Contractual Services	550,000	
A5120	BRIDGE MAINTENANCE		<u>5,000</u>
	Salaries	5,000	
	Contractual Services	-	
A5142	SNOW & ICE REMOVAL		<u>985,000</u>
	Salaries	695,000	
	Contractual Services	290,000	
A5150	OTHER STREET ACTIVITIES		<u>29,000</u>
	Salaries	26,000	
	Contractual Services	3,000	
A5182	STREET LIGHTING		<u>537,000</u>

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CULTURE & RECREATION

1,811,977

A7020	RECREATION ADMINISTRATION		<u>150,254</u>
	Salaries	147,664	
	Equipment	-	
	Contractual Services	2,590	
A7110	PARKS MAINTENANCE		<u>786,141</u>
	Salaries	591,141	
	Equipment	15,000	
	Contractual Services	180,000	
A7120	TREE MAINTENANCE		<u>218,000</u>
	Salaries	200,000	
	Equipment	-	
	Contractual Services	18,000	
A7130	SUMMER YOUTH PROGRAM		<u>3,000</u>
	Salaries	3,000	
A7140	PLAYGROUNDS		<u>12,000</u>
	Salaries	11,000	
	Contractual Services	1,000	
A7150	OTHER REC PROGRAMS		<u>2,500</u>
	Salaries	-	
	Contractual Services	2,500	
A7210	STADIUM		<u>151,000</u>
	Salaries	69,000	
	Equipment	10,000	
	Contractual Services	72,000	
A7265	SKATING RINK		<u>8,500</u>
	Salaries	-	
	Contractual Services	8,500	
A7270	BAND CONCERTS		<u>1,250</u>
A7310	YOUTH BUREAU		<u>48,732</u>
	Salaries	44,732	
	Equipment	-	
	Contractual Services	4,000	

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A7311	YOUTH PROGRAMS		<u>18,500</u>
A7410	LIBRARY		<u>372,000</u>
A7520	HISTORICAL SOCIETY		<u>28,500</u>
A7550	CELEBRATIONS		1,500
	Special Programming	1,500	
A7623	SENIOR CITIZENS CENTER		<u>10,100</u>
<u>HOME & COMMUNITY SERVICES</u>			<u>745,000</u>
A8140	STORM SEWERS		<u>207,000</u>
	Salaries	175,000	
	Contractual Services	32,000	
A8170	STREET CLEANING		<u>210,500</u>
	Salaries	205,000	
	Contractual Services	5,500	
A8791	DEPARTMENT OF DEVELOPMENT		<u>327,500</u>
<u>UNDISTRIBUTED</u>			<u>11,841,516</u>
A9010	STATE RETIREMENT		<u>590,491</u>
A9015	POLICE & FIRE RETIREMENT		<u>1,735,000</u>
A9030	SOCIAL SECURITY		<u>1,180,073</u>
A9040	WORKERS' COMPENSATION		<u>325,000</u>
A9050	UNEMPLOYMENT INSURANCE		<u>5,000</u>
A9060	HEALTH INSURANCE		<u>4,520,866</u>
A9061	DENTAL INSURANCE		<u>306,391</u>

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A9551	CAPITAL		<u>825,000</u>
	DPW Equipment	73,268	
	Street Reconstruction	288,366	
	Street Resurfacing	288,366	
	Curb & Gutter	50,000	
	Storm Sewer	50,000	
	Sidewalk	50,000	
	Tree Planting	10,000	
	Code Enforcement Software	15,000	
A9710	PRINCIPAL - SERIAL BONDS		<u>717,500</u>
	1991 Various Purposes	42,500	
	1994 Various Purposes	350,000	
	1999 Various Purposes	160,000	
	2000 Various Purposes	165,000	
A9711	INTEREST - SERIAL BONDS		<u>127,915</u>
	1991 Various Purposes	10,740	
	1994 Various Purposes	32,400	
	1999 Various Purposes	46,281	
	2000 Various Purposes	38,494	
A9730	PRINCIPAL - ANTICIPATION NOTES		<u>110,000</u>
A9731	INTEREST - ANTICIPATION NOTES		<u>115,015</u>
A9775	JURA APPROPRIATION - RAMPS		<u>603,510</u>
A9785	INSTALLMENT DEBT - BPU		<u>400,892</u>
A9786	INSTALLMENT DEBT - DPW EQUIP.		<u>278,863</u>
	TOTAL APPROPRIATIONS		<u><u>31,044,672</u></u>

**CITY OF JAMESTOWN
2009 ESTIMATED REVENUES**

ACCOUNT		2009 BUDGET
A1051	Gain on Tax Acquired Property	2,000
A1080	Federal Housing Payments	28,000
A1081	Payments In Lieu of Taxes	100,000
A1090	Interest & Penalty on Taxes	90,000

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A1110	Sales Tax	5,202,000
A1170	Franchise Fee	195,000
A1230	City Treasurer's Fees	70,000
A1232	School Tax Collection Fee	48,000
A1255	City Clerk's Fees	75,000
A1311	Utilities Gross Receipts	225,000
A1520	Police Dept. Fees	167,800
A1540	Fire Dept. Fees	34,000
A1550	Dog Violations	3,000
A1589	Traffic Control Fees	2,000
A1590	Parking Violations	205,000
A1710	Public Works Services	85,000
A1720	Parking Lots & Garages	170,000
A1740	On Street Parking Meters	195,000
A2001	Park Fees	40,000
A2401	Interest On Investments	225,000
A2410	Rentals of Tax Acquired Property	2,200
A2412	Rentals of Real Property	150,000
A2501	Business Licenses	32,500
A2540	Bingo Fees	500
A2542	Dog Licenses	25,000
A2545	Automatic Device Licenses	4,000
A2546	Marriage Licenses	5,500
A2555	Building Permits	35,000
A2560	Street Opening Permits	95,000
A2570	Special Event / Vendor Permits	3,500
A2590	Encroachment Permits	1,000
A2610	Fines & Forfeited Bail	160,000
A2701	Refunds of Appropriated Exp.	80,000
A2770	Other Unclassified Revenues	35,000
A2815	PILOT - Electric	2,013,000
A2816	PILOT - Water	832,000
A2817	PILOT - District Heat	125,000
A2818	PILOT - Waste Water	432,000
A2819	PILOT - Solid Waste	170,000
A2956	Interest on Capital Investments	75,000
A3001	State Aid Per Capita	4,964,950
A3005	State Aid Mortgage Tax	275,000
A3021	State Aid Court Facilities	18,000
A3330	State Aid Court Security	154,200
A3501	State Highway Aid - CHIPS	726,732
A3589	State Highway Maintenance	203,000
A3820	State Aid Youth Projects	18,500
A3889	State Aid Youth Bureau	22,000
	TOTALS	<u>17,820,382</u>

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Councilman Dolce: Thank you Mr. President, fellow Council members and residents. Tonight as we vote on the 2009 budget for the City of Jamestown, I'd like to share with you some thoughts and comments about the decision we face on a final spending plan for next year. First, I want to thank the Department Heads and the other members of the administration for their cooperation in helping us with this difficult task. I would also like to thank the other council members for their work and input into this process. It is however, with mixed emotions, that I will not be voting in favor of the budget that is before us tonight. This budget carries a nearly 2.6% or a \$.49 per thousand tax increase to the taxpayers of Jamestown. While some might consider this a small increase, I believe that given the current difficult economic times we are facing, we must do more to lessen the already heavy burden of property taxes that we are faced with in the City. Over the course of my 13 years in Council, we have over the years made some very difficult decisions. We've reduced our City workforce significantly during this time. It has become apparent that the current structure and framework of our government needs to be changed. We can no longer simply continue to just cut manpower under the current system and still provide essential services that our residents need. At the same time, we cannot continue to just wring our hands, blame the State and other levels of government and just pass along tax increases to our constituents. The time has come to seriously look at how we deliver essential services to our residents. Is it the best and most cost-effective way, or is it simply just the way we've always done it? Every department, as well as the overall structure of City government needs to be evaluated. During the budget deliberations this past year, we discussed several other possible cost savings in areas such as department overtime, the 400 accounts, vehicle and cell phone usage and policy, further use of the fund balance as well as other positions and personnel. I believe that with the right combination of cuts in all of these areas, we would have been able to further reduce or totally eliminate the tax increase. Simply put: I think we could have done more. Thank you.

Councilwoman Ecklund: Tonight we are voting on a 2009 Budget & Spending Plan that was originally presented by the Mayor and the administration and then brought forward tonight with the proposed amendments by City Council. First and foremost, I would like to thank not only the administration and department heads for their efforts, but also the current Council for their efforts in delivering this budget as it's proposed. In my tenure, I have never worked on an easy budget, and this year was no exception. In a time when the economy is suffering at so many levels and it is apparent that we should be looking at our "business as usual" motto and reevaluate our manner of conducting business on all levels. We have a country and a state that are in the midst of record deficits and record levels of economic loss. We have a city that is filled with businesses that have been forced to make some very difficult and tough decisions whether it was to close their doors, lay people off, go to shared work programs, freeze wages, increase employee costs of benefits and even discontinue many employee benefits because they cannot continue doing business as usual. We should be doing the same cost-cutting initiatives whenever possible. Yes – we as a City have made some changes and continue to consolidate when we are essentially forced to do so, but the time has come for us to take the next step and continue to reevaluate the total cost of doing business. In my time on Council, we have continued to consolidate little by little, we have cut some expenses and have performed some self-evaluation. Again, I state – the time has come to do more. Whether we continue to evaluate internally and/or merge services, the time has come for us to be pro-active for the future of not only the City, but also this County. We have many people in this community who are debating on paying their health insurance, their utility bills, or getting groceries. It is a fact. One more increase in taxes along with the utility rate increases, their cost of living increases, and the other increases that they have has the potential of causing larger repercussions that cannot be solved through one

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budget delivery. Even though I personally support the amendments brought forward in tonight's budget, I still will be voting No on the 2009 Budget resolution. I feel we could have done more. Despite other members saying it's ludicrous and unachievable to achieve a zero increase, I firmly believe differently. I do work in the financial field. I know what it takes to make the hard, tough decisions and I feel that we just did not accomplish that in this budget. The goal of the zero tax increase could have been achieved without a lot of unfair compromising or making unrealistic goals. My private sector job positions of Cost and Budget Analyst and Senior Cost Auditor have enabled me to do those recommendations in this community and decisions that I felt and brought to the table, I know could have been achieved. So "we can't do that – we've done all we can, etc." attitude is not something we should be living with at this time. We should be asking the question "how can we do this, what will it take to get to this, and better yet – how can we deliver the best possible services with the costs we have to work with?" The decision to vote No is not a personal decision. Our constituents have spoken and they elected us not only to make the best decisions for them, but also to listen to what they have to say. Right now, what I am personally hearing is that they do not want anymore tax increases. They were given two tax decreases the past two budgets, and I want to thank the previous Councils for that, but they have also seen significant double digit increases in their taxes over the past eight years. Included in that is the necessary property reevaluation. The time is now to look to the future. Sam, in today's paper you made a statement that said "how much more can the taxpayers take?" Ironically, I was thinking the same thing and the answer is "not much," as you stated. This is the truth and that's why I'm voting "no." I know that our neighbors in Chautauqua County and Erie County have both delivered no tax increase budgets and I thought we could have done the same.

Councilman Szwejbka: I was going to withhold comment, but I'd like to just kind of respond to a couple of comments made by Councilman Dolce and Councilwoman Ecklund. I personally would like to thank the whole Council for their work. I think we were in a very difficult position. We have to provide essential services in a City where our population is decreasing, money's coming in are decreasing as the call for services are increasing. In the realm...in the area of public safety which I work in, I think down the road, you both mentioned the future...we have to change – I think we really do. I think down the road in order to stabilize costs in the area of public safety, we've got to stop playing with numbers. We've got to stop saying the Police Department can have 60 this year, you can have 62 next year, when in reality we should be looking at how can we do a better job with what we have. How can we improve the efficiency and the effectiveness of our workforce? If that means changing the structure of how they do their job, maybe creating a true public safety program, and again – we'd be innovators – we'd be leaders, because there are challenges to overcome. But again, we can't keep trying to decrease public safety officers when the need for them keeps going up because that's only going to create more problems down the road. What we need to address are the policies/procedures on how they can do their job better, how to get more officers on the streets so we don't have the calls maybe come in for the need for all these additional officers. But again, I just feel that it's just a play with numbers when we go to the Chief of Police and say "we're cutting you two more; now we're taking you back to this number." Are his calls going down by that percentage? No. They're probably going up. So again I ask that as a Council down the road as the City Administration, we have to look at how we deliver public safety services. We are in the midst of a power plant that's going to be a leader in the world. Let's look at public safety and maybe create our own model that others can emulate – others can come and say "wow." And I think that's Kim and Tony where it's going to take to stabilize costs down the road. Thank you.

Councilman DeJoy: Thank you Mr. President. I too would like to thank all the Council members for their hard work and dedication and difficult decisions with this budget and looking for places in which we could actually cut and make some real honest change. I too would like to also thank all the department heads for their cooperation and there will be some cooperation

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necessary to make some of the amendments to this budget actually work. I truly believe that this is an honest budget, one that in both the expenditures and the revenue side – it's not one where we're not "blue skying?????" revenues such as sales tax, such as perhaps may have been done in other government budgets around here even locally. It's one that will require cooperation and sharing of a common goal of trying to cut expenses and costs. It's one that isn't reckless in trying to get a small benefit today and which will only result in great pain in the years to come. If you want to talk "business as usual," that's kind of what happened ten years ago during the '90's where unrealistic cuts were made, taxes were decreased and we had to actually make some large increases (I shouldn't say "we,") but we as a City had to be faced with some large increases which were very painful. I don't think that we should go back to those days as "business as usual." It's a budget that I wish we could have done more, but hey – we were faced with some difficult realities and especially in the revenue side with sales tax and it's now been announced today that we are indeed in a recession. There are no frills in this budget; we're not replacing aging equipment that should be replacements and give our City workers more productivity. I wish we could. We're just not able to do that. I truly don't believe that dipping into the fund balance, even deeper than \$300,000 is the right way to go. It has been shown that our fund balance is fairly adequate and this comes from our auditor, and we will perhaps have to use it again and as Mr. Bellitto said that "if we go deeper, we just start off in a bigger hole for next year when it comes time to do the budget." Perhaps your decision by a couple of my colleagues here, is not a personal one, but I hope it's truly not a political one that they're just trying to let it be known that they don't agree on a tax increase and hey – I think it's painful too – but it's not one that's going to kill this City. It's one that I think is reasonable, given the circumstances that we're facing – especially on the revenue side – and I'm going to vote for it, and I'm voting for it because it's an honest budget and one that doesn't compromise public safety and yet doesn't offer any frills. Thank you Mr. President.

Councilman Dolce: I feel a need to respond to that. A couple of things...first of all, whether we all agree or disagree on a budget is nothing personal. As far as it being political being on this Board many years, I think that my record speaks for itself. I have been someone who has voted against other tax increases down the road regardless of who was sitting in what chairs. We all work together and regardless of the outcome of a budget, or any other decision that we vote on, once it's over – it's over, and we continue to move forward and we work on trying to do a better job. So again, I just wanted to say that. The other comment I wanted to make – I was here 10 years ago and that's not quite accurate. I don't think there was any reckless spending; I don't think that there was any reckless use or skyrocketing of revenues and so forth; there were a number of issues that came forward in the late '90's that caused us to be in a deficit. Some were not our fault and were out of our hands and if the truth be known, it was probably more of a City Council and not an administrative problem that occurred back then. So I think from someone who was there ten years ago, I think that issue has been so well overblown over the years, that it's really become kind of nauseating after awhile. If you look back historically in the mid-'90's we had a nice fund balance and there was a couple of years where we had huge claims on our health insurance that caused us to go into a deficit for a couple of years and it took us a few years to get back out of that. We also had to increase taxes over 42% in that time in order to get back to that and we haven't seen a whole lot of innovations coming out of the administration in order to offset those tax increases. The Council over the past several years have had to make all those tough decisions. We had to sit through vetoes and overrides of several budgets so I just wanted to clarify that that this is not a political position; it's not anything personal against you or any of the other Council people. This is a personal position of mine that I take that I have for many years. Thank you.

Councilwoman Ecklund: I would like to reiterate the fact that this was not a political decision Tony and I made on a two versus seven Council member position. In my

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history, Vince, you can also look and see that I voted with Democrats, Independents and supported budgets that were across the line. This is a situation we're in in this economy right now. This is a situation I was asked by my constituents to not vote in favor of; this is not a personal decision. This is my vote on behalf of the people who elected me. Thank you.

Councilman DeJoy: Thank you for the opportunity Mr. President. We all were at the same table looking for places to cut. I didn't make the pronouncement that a zero...that any tax increase would be unacceptable, and yet, I didn't see any type of amendments or anything that came forward that could have possibly ever accomplished that. Cutting around the edges wouldn't accomplish a zero increase tax budget. There were some very difficult decisions and I think even given where we are today, it's going to take a lot of cooperation to make it happen, so I think again, this is an honest and reasonable budget and I wish that we could have come in with no increase, but reality sets in and I think all the wishful thinking has to be put aside.

Councilwoman Ecklund: I'll discuss it with Vince later, but that comment was out of line Vince, because I did bring a lot of resolutions forward...

Councilman DeJoy: ...none that would have given us a zero increase budget that you proclaim that we were going to...

Councilwoman Ecklund: ...it's a moot point.

Council President Rabb: Any other Council member wish to address the issue of the budget? If not, I would like to relinquish the Chair to Councilman DeJoy so that I could make my comments, if that's acceptable to you?

Councilman DeJoy: Yes it is. Thank you.

Council President Rabb: Tonight's budget vote is the most important vote we will be making this entire year. The work of preparing this budget wasn't easy. We are in difficult times and the demand and need for services, as well as the cost of providing these services, continues to go up. Taxpayers, and that includes all of us as City Council members, have had to adjust our own personal budgets in response to rising costs and that hasn't been easy. The task of adjusting the City budget to these same pressures has been even more difficult.

We have before us a budget that is both cautious and conservative with respect to estimated revenues and delineated expenses. We have before us a budget that continues to provide for the public safety while still doing our best to provide needed services to our youth and senior citizens and support for our cultural institutions essential to the health and future of our community. We have before us a budget which attempts to take care of the present by building on the work of the past while still facing the uncertainties of the future. We have a budget before us that takes care of the "now" while preparing for the challenges of 2009 and beyond.

This is a consensus budget prepared in the open in full view of the media and the public. The Mayor and his executive team provided us with a proposed budget based on hard numbers that we were able to adjust even further thanks to the work of the entire City Council including the

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veteran members of the Council who worked from experience and the so-called “new” members, who may not be feeling so new after this first budget, who provided a fresh insight into the budget. We have also identified areas of concern that we will need to revisit in early 2009 as we look forward to the 2010 budget and beyond.

I want to especially thank Council member DeJoy, the Chair of our Finance Committee, who took the lead in our budget discussions. I also want to thank the media for fair and accurate reporting on the perils we faced as we navigated our way through a difficult budget year and process. Doing our work in public with the help of the media is absolutely essential to this process. I also want to thank the public who communicated to us at meetings, in the mail, through phone calls, and stopping us whenever they saw us out and about in town. Your input is invaluable and is why we are here as your representatives. Finally, I want to thank the City’s employees who continue to provide excellent public service with fewer workers and lower budgets. This budget would not be possible without their hard work. And last but not never least, to my fellow taxpayers: I believe we have a fair and sound budget that has attempted to continue the services you have come to expect while keeping a tax increase to a minimum. I wish it could be even lower but any further cuts, over estimation of revenue streams, or additional use of the fund balance would be unrealistic and potentially harmful to the City and our future. I continue to believe that our best days are ahead of us and I believe that tonight’s budget is a step toward that better future. Thank you.

With your permission Mr. DeJoy, I'll assume the Presidency.

Councilman DeJoy: Please do.

Council President Rabb: Thank you. Mr. Olson, would you please poll the Council?

Carried: 6 ayes, 2 nays (Dolce, Ecklund nay)

200812A02

BY COUNCILMAN DeJOY:

WHEREAS, the Jamestown Gateway Intermodal Station and Visitors Center and Riverwalk Connector Trail in the City of Jamestown, Chautauqua County was awarded project status by the Federal Transit Administration on September 25, 2008 [Project NY-04-0039-00, (the “Project”)]; said Project authorized under United States Code Title 49 SAFETEA-LU (§5309 Bus Capital Appropriation); and

WHEREAS, the City of Jamestown desired to advance the Project by accepting the aforementioned Federal Transit Administration monies by executing the award on October 8, 2008; and

WHEREAS, the City of Jamestown contracted with TVGA Consultants of Elma, New York to complete the Preliminary Engineering, Right-of-Way Incidentals and Environmental Assessment (the “Preliminary Design Report”) phases of the Project, said consultant having met or exceeded all qualifications based requirements as an eligible consultant to perform the tasks required; and

WHEREAS, the Preliminary Design Report was completed on August 19, 2008,

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supporting a Categorical Exclusion [CE(d)] environmental determination under the National Environmental Protection Act (NEPA); and

WHEREAS, a Programmatic Agreement was reached with all regulatory & funding sources (New York State Historic Preservation Office; Federal Highway Administration; Federal Transit Administration; New York State Empire State Development Corp; New York State Office of Parks, Recreation and Historic Preservation; City of Jamestown) on August 14, 2008 that identifies a consensus for restoration and reuse parameters of the Project; and

WHEREAS, the City of Jamestown issued a Request for Proposal (RFP) for Final Design and Construction Management Services for the Project on October 6, 2008, said RFP being of form and content that is compliant with regulations applicable to Federal Transit Administration projects under United States Code Title 49; and said RFP being advertised publically in the Jamestown Post Journal and the New York State Contract Reporter; and

WHEREAS, TVGA Consultants of Elma, New York with local offices at 200 Harrison Street, Jamestown, New York met or exceeded all requirements as set forth in the RFP; and

WHEREAS, a selection committee comprised of representatives from the City of Jamestown, Greater Jamestown Empire Zone, Downtown Jamestown Development Corporation, and an independent cost consultant rated TVGA as the highest qualified proposer based upon a qualifications centered written and interview 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 one million six hundred seven thousand eight hundred two dollars and 98/100 (\$1,607,802.98); said amount includes a five percent (5%) contingency for the cost of final design and construction management services 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 contract with TVGA Consultants on behalf of the City of Jamestown for Final Design and Construction Management Services for the Jamestown Gateway Intermodal Station and Visitors Center and Riverwalk Connector Trail at a cost not to exceed one million six hundred seven thousand eight hundred two dollars and 98/100 (\$1,607,802.98); said amount includes a five percent (5%) contingency.

Carried: 8 ayes, 0 nays

200812A03

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 Department of Public Works 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 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.

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- One (1) Auto Mechanic/Service Worker in the Department of Public Works (funded in the 2008 General Fund Budget).

Carried: 8 ayes, 0 nays

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