

January 26, 2009

City Council

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Proceedings by Authority

State of New York  
City of Jamestown  
City Council Chambers

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A regular meeting of the City Council of the City of Jamestown, New York was held on Monday, January 26, 2009 at 7:30 p.m.

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

Others Present: Mayor Sam Teresi, Director of Finance/City Clerk James N. Olson, Corporation Counsel Marilyn Fiore-Nieves, Comptroller Joseph Bellitto, Director of Public Works Jeff Lehman, Director of Development Steve Centi, Deputy Fire Chief Lance Hedlund, Victoria James of the Youth Bureau, Director of Public Safety/Police Chief Rex Rater and Communications Coordinator Becky Robbins

Council President Rabb called the meeting to order.

Rev. Maria Jones gave the invocation.

Councilman Whitford moved to approve the minutes from the December 22, 2008 meeting.

**MESSAGES FROM THE MAYOR/COUNCIL PRESIDENT**

200901B00.01

**STATE OF THE CITY ADDRESS**

**MAYOR SAM TERESI**

**JANUARY 26, 2009**

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

In accordance with Article IV, Chapter 31-C of the Jamestown City Charter, it is my pleasure to present to you this evening my ninth (9<sup>th</sup>) State of the City Address.

While the first portion of 2008 was a time of transition in leadership, new energy, renewal and great uncertainties at the local level, it was also a period of great promise and progress on many fronts. As the year wore on, however, numerous external factors and influences, beyond the control of anyone in the Greater Jamestown Community, began to infiltrate the local picture and take an adverse foothold in our daily lives.

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Skyrocketing petroleum and fuel prices, a national culture of corporate greed left unchecked by complicit and alleged government “regulators”, the negative influence of volatile foreign markets, the reintroduction of the dreaded “inflation” word back into our national vocabulary, severely shaken consumer confidence, mounting unemployment in all sectors of the economy, the sub prime mortgage debacle that undermined the nation’s real estate system, the sudden and historic drop in Wall Street stock values, the record level of bank failures, ballooning business and personal bankruptcy filings, and starting on September 15<sup>th</sup>, the meltdown and near collapse of the nation’s Finance System, collectively created structural and possibly irrevocable stress fractures in both the national and international economies. And, as we now know all too well, these factors, together with a variety of additional events, have combined to push our Federal and State Governments to the brink of insolvency; which has further exacerbated the chronic financial problems that were already challenging us at the local level even during the so called “good times”.

And despite all of this, through the joint efforts of this City Council, our Department Heads, the best public workforce one can find anywhere and a community of individuals that truly loves and cares about Jamestown, numerous bright spots and examples of progress may be found throughout our review of a turbulent and challenging 2008.

Please bear with me as I recount but a small selection of our strides and accomplishments over the past year:

- During an era in which governments have been running deep, chronic deficits, it is currently projected that Jamestown will once again end its previous fiscal year in the black...for the eighth consecutive time.
- After working off our previous \$1.4 million accumulated operating deficit, the City’s General Fund is now sporting a positive, unrestricted fund balance of more than \$1.8 million.
- This past fall, we together developed and put in place a General Operating Budget that was on time, truly balanced, maintained essential services, preserved the integrity of the fund balance and contained only a slight property tax levy increase of 2.5%; which was well below the rate of inflation.
- During 2008, we worked together with communities from across New York to obtain a 9% increase from the State in AIM (Aid and Incentives for Municipalities) Program Funding and we successfully fought off a mid-year, 10% reduction in AIM assistance that was proposed by the State in response to its own mounting fiscal problems.
- We pursued two Local Government Efficiency Grants from the State; the first, to determine the feasibility of and develop a strategy to merge the City’s Police Department with the County Sheriff’s Office, and the second, to develop a

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centralized, shared, road salt storage facility with the Jamestown Public School District.

- We dissolved the Civil Service Commission and merged its administrative office with the County's Department of Human Resources.
- We launched a major upgrade of the City's Wastewater Treatment Plant in the Town of Poland at a projected cost of \$4.5 million. And, as the result of the innovation and hard work of City staff, this project was actually completed a year ahead of schedule and brought in nearly \$1 million under budget.
- 2008 saw our Public Works crews complete a record level of downtown and neighborhood street, sidewalk and storm water drainage improvement projects. In addition to more than three (3) dozen resurfacing, nova chip and storm sewer improvement efforts, comprehensive reconstructions were completed on West 6<sup>th</sup> Street, Camp Street, Hebner Street, Barrett Avenue, Harding Avenue, 18<sup>th</sup> Street, Stillers Alley, Factory Alley and Foundry Alley.
- During 2008, we completed the remaining projects under the \$2.5 million energy conservation improvement program for City government buildings. The subject improvements are resulting in significant and noticeable savings on our monthly utility bills and our initial investment is currently on schedule to be fully repaid, through our operational savings, within the next 5 to 6 years.
- During 2008, our Board of Public Utilities made great strides toward the development of new electric generating facilities at the Steele Street BPU campus. This initiative will replace the current, functionally obsolescent and environmentally damaging operation with a more efficient, environmentally responsible Circulating Fluidized Bed (CFB) technology. The project is being designed to ensure that our community will be able to remain in the electric generating business and maintain both its energy independence and advantageous cost position for years to come.
- On a related front, the BPU, in conjunction with Prax Air Inc., Dresser Rand Corp., Ecology and Environment Inc., SUNY Buffalo, the State of New York and a variety of other partners, continued to pursue the development of Oxy Coal, Carbon Capture and Sequestration (CCS) technology in conjunction with the proposed Clean Coal Electric Generating Project. With the direct support of Governor Patterson, and assistance from various State agencies, \$240 million in funding for this groundbreaking environmental initiative, is currently being sought through the Federal Department of Energy's Clean Coal Power Initiative (CCPI) Program.
- During 2008, we worked with State DOT officials to finalize design concepts for the replacement of the 47-year old Washington Street Bridge and arterial highway

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approaches. Currently, the project is scheduled to go to bid later this year and construction is projected to commence during 2010.

- During 2008, we launched a comprehensive program to replace outdated, inefficient and unsafe Public Works and Parks Department equipment. With the issuance of \$2 million in capital improvement bonds, efforts were undertaken to purchase nearly \$1 million in new DPW and Parks equipment. The balance of the bond proceeds will be utilized for a variety of capital construction projects, including comprehensive repairs to the 35-year-old Spring Street parking garage.
- We expanded the Housing Mini-Sweep Inspection Program into seven (7) additional neighborhoods and initiated more than 1,000 new Housing Code Enforcement cases, most of which, were resolved without City Court intervention.
- 2008 saw the completion of 200 units of new student housing at Jamestown Community College and the start of construction activities on Phase II of the Apleyard Terrace Town House Project.
- Numerous unsafe, vacant structures were removed from the landscape during 2008, including the long abandoned and fire ravaged “MRC” building at Winsor and Chandler Streets.
- 2008 saw major construction activity at the new \$7.5 million BWB office/commercial center in Downtown Jamestown, which was made possible with a \$1.5 million RESTORE NY Grant secured by the Department of Development.
- During the past year, we assisted with the relocation and expansion of the SKF Aero Engine Inc. Corporate offices into the Windstream Complex on East Fourth Street and completed more than \$1 million worth of façade and handicapped accessibility improvement projects in privately owned Downtown buildings.
- We saw the completion of development activities and realized the full occupancy of the 80,000 s.f., \$9 million Riverwalk Medical Center in Brooklyn Square.
- And, we secured \$2 million in RESTORE NY funding for the redevelopment of the Wellman Building, Period Brass Building and Shults Auto Group properties on Washington Street and Fluvanna Avenue. Collectively, these projects will stimulate \$12 million worth of private sector investment in the City’s economy.

All in all, 2008 was a pretty positive and encouraging time of investment and accomplishments, especially when considering the gravity of challenges before us and the significant decline in economic activity all around us.

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For your review, I have prepared a more comprehensive accounting of our 2008 initiatives and would encourage you to take some time to carefully review and consider this impressive list.

It clearly represents thousands of hours of effort and the investment of tremendous resources, not only by members of our outstanding City work force, but also by hundreds of concerned and dedicated individuals from throughout the Greater Jamestown Region.

While 2008 was certainly a productive and encouraging period of progress on many fronts, our work is far from over. And, given the historic problems and challenges before our State, Region and Nation on so many fronts, in so many ways, our work has only just begun.

During the coming year, we must concentrate our limited attention and resources on the types of matters that are within our local ability to have a meaningful impact. Specifically, our priority and focus must be on efforts that will effectively nurture an inviting environment in which private investment and job development can and will occur. And, as I have said on many occasions over the past decade, this all starts with putting and keeping our financial house in order.

- To that end, we must remain true to our principles of crafting and placing into effect budgets that are honest, truly balanced and in compliance with State laws and mandates that dictate not only what we must do, but also, how we must do it.
- We must stay committed to protecting and when possible, building the City's all important undesignated fund balance, which, as we all so fully understand, not only functions as our critical reserve fund for unforeseen expenses and emergencies, but is also one of the most important indicators of our dedication to fiscal discipline and good government.
- We must continue to find ways to hold the line on and reduce the onerous and regressive local property tax. In order to do this, we must remain committed to reigning in and curtailing day-to-day expenditures, smartly investing in operational improvements that over time will reduce our costs, slamming the door shut on the unfunded expansion of our employment ranks and seeking other available sources of revenue that are not driven by or linked to the dreaded and destructive local property tax.
- As it relates to our tremendous public workforce, surely the best to be found anywhere in the nation, we must continue to seek reasonable common ground in our labor agreement deliberations. Common ground that certainly provides fair compensation for their outstanding work contributions, but also, reasonable labor agreements that recognize the mounting economic challenges all around us and the diminishing "capacity to pay" and pain being experienced by our already overburdened taxpaying residents and businesses.

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During the coming months, we will continue our “bargain hard and bargain fair” approach to labor negotiations and will seek to bring back to this City Council and to those who must ultimately pay the bills, our constituents, contract settlements that are more in line with what is happening in the “real world”, outside of government.

- Clearly, there is a proud and rich history in the Greater Jamestown Region of sharing and consolidating redundant municipal services. And, let me say once again, as I have said continuously throughout my tenure as Mayor, the City of Jamestown remains open and committed to evaluating and pursuing alternatives to the delivery of ANY service in which there may be potential partners interested in sharing, collaborating or even consolidating.

During 2009, I look forward to building upon our previous efforts to establish the feasibility and develop the framework for a consolidation of the Jamestown Police Department with the Chautauqua County Sheriff’s Office.

And, while on the subject of local government efficiency and competitiveness, I firmly believe that our efforts should not be limited to merely the sharing of services between our State’s 6,000 plus taxing jurisdictions and public authorities.

The time has come for everyone, and that includes those who work for us in Albany, to stand up and honestly admit that small examples here and there of municipalities and school districts working together on individual projects or occasionally sharing/merging isolated functions, will not, in and of itself, produce the transformative change and results that this State so desperately needs.

With the dire condition of both our State and National economies, and the well-documented, structural, fiscal problems in Albany, we have clearly reached a day of governmental reckoning. The time has come to publicly acknowledge what the rest of the world can so clearly see; that our voluminous and now archaic, 19<sup>th</sup> century municipal and school system boundaries, which may have once had their rationale and purpose, no longer serve well the needs of a 21<sup>st</sup> century economy.

To those amongst us who stubbornly cling to the belief that we can climb our way out of this deep fiscal abyss and restore the once great Empire State to its days of glory, while we maintain a redundant and inefficient system of governmental fiefdoms, I say that you are contributing mightily to and ensuring a future of continuing economic decay. I call upon our leaders in State government, to provide us not only with encouragement and scraps of resources to better communicate, collaborate and share, but to give us the firm directive, the constitutional mechanisms, the necessary legislative changes...including relief from the myriad of insane unfunded mandates...the significant incentives and the meaningful resources to actually do what you always claim you want us to do... consolidate, reorganize, eliminate outright entire units of unnecessary government and become more efficient, effective and thereby competitive.

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True enough, bigger is not always better, but an intuitively intelligent approach almost always is. Again, the time has clearly come to put the self-serving, petty and partisan differences aside, and stop talking about and scratching around the edges of local governmental efficiency. The time is now to start doing something about it in a dramatic and meaningful way.

- During the coming year, we will be launching an all out community effort to provide the most complete and accurate count of residents possible during the 2010 Decennial Census.

As many realize, the City's population has been on a slow and steady downward descent... with the exception of a slight up tick during the 1950 Census... since our 1930 peak of 45,155 residents.

While the reasons for this trend have been varied and anything but unique (post WWII sunbelt and western migration, de-industrialization, suburbanization, etc.), it is firmly believed that a systematic undercount of hard to enumerate individuals contributed significantly to the City's most recent decline in 2000 (to its current "documented" population of 31,984).

As every member of this City Council realizes, the Decennial Census results are used to drive a host of decisions and outcomes, including community representation in local, state and federal governments, State AIM payments, sales tax allocations, funding through a variety of state and federal grant programs and marketing and investment decisions made by private companies.

Quite simply, the inability to find and enumerate just a few hundred people could translate into the annual loss of hundreds of thousands of dollars and inappropriately misallocate political representation for the next 10 years. And, as one can imagine, the stakes intensify as the level of the undercount magnifies.

Thus, again, 2009 will need to bring a community wide strategy and preparation effort to minimize the level of undercount and promote the most complete and accurate census process possible during 2010.

- Despite a reduction in available resources, 2009 will still be a very active year for our Public Works Department, our Parks Department and our Board of Public Utilities. Projects that will take priority will include:
  - ✓ Continued improvements to the West Fifth and West Sixth Route 394 corridor.
  - ✓ Final preparations for the closure and replacement of the Washington Street Bridge.

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- ✓ Commencement of major improvements to the 35-year old Spring Street Parking Garage.
- ✓ Continuation of the Downtown Alleyway Improvement Program.
- ✓ Continued development activities on the proposed Clean Coal CFB/CCS initiative at the Steele Street Campus of the BPU.
- ✓ A variety of capital improvements to the City's Water, Wastewater Treatment, and District Heating Systems.
- ✓ Redevelopment and expansion of the McCrea Point Park area as part of the Phase III development of the Chadakoin Riverwalk System along Jones and Gifford Avenue.
- ✓ Continued ADA improvements throughout the parks system and construction of additional accessible curb ramps at intersections throughout residential neighborhoods.
- ✓ Additional improvements at Roseland Park.
- Housing and neighborhood improvement efforts will again hold a prominent place on the City's 2009 agenda. During the coming year we will:
  - ✓ Intensify our code enforcement, emergency demolition and targeted rehabilitation incentive efforts.
  - ✓ Complete the implementation of the new housing code enforcement computer system.
  - ✓ Finish construction on Phase II of the Appleyard Terrace Project and pursue additional housing development efforts in the Winsor and Second Street neighborhood.
  - ✓ Commence the development of a new multi-year Consolidation Housing and Neighborhood Improvement Plan.
  - ✓ Work with Jamestown Community College officials to further expand and enhance student housing and development opportunities.
  - ✓ Continue to press County officials to revive the practice of conducting code compliance inspections on all in-rem, foreclosed properties within the City of Jamestown, **prior to** their sale by the County to new owners..

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- And, finally, economic development activities will once again demand a significant level of our attention and energy during the coming year. Our priorities will include:
  - ✓ Supporting ongoing efforts to further develop and expand educational and higher degree opportunities at Jamestown Community College and Jamestown Business College. As I have noted many times in recent years, 21<sup>st</sup> century businesses rise and fall on access to so-called “intellectual capital”. And, higher-level colleges and universities are not only major suppliers of “intellectual capital”, but through what they contribute to a community from a cultural, social, recreational and goods/services standpoint, serve as powerful magnets for the type of people that companies today must have to succeed in an increasingly competitive global market place. And, if we stand any opportunity as a community to survive the turbulent and dire economic period that has been thrust upon us, our top priority from an economic development standpoint must be to demand and support the expansion of the higher educational infrastructure within the Greater Jamestown area.
  - ✓ Supporting the development of new employment opportunities in both the health care service sector and in manufacturing businesses that will be supplying and supporting the emerging “green” technology component of the national economy.
  - ✓ Advancing a variety of ongoing major Downtown development efforts at the Wellman Building, Grants Building and the former Field and Wright Building on North Main Street.
  - ✓ Nurturing commercial development opportunities along the Foote Avenue, East Second Street and Washington/Fluvanna entrance corridors, which, have already started to feel the pain of a slowing national economy and a sluggish and overbuilt local commercial real estate market.

The goals outlined this evening are once again, to say the least, ambitious; especially when taking into consideration the depth and complexity of the current national economic crisis. Some may even suggest that given the challenges of the day, our agenda for the coming year is downright unrealistic, destined for failure and shouldn't even be pursued.

While I simply cannot appear before you this evening and deliver guaranteed outcomes for anything, I can offer the following certainties that weave and travel throughout this game plan for the coming year:

1. Nothing is certain as it pertains to the national and international economic situation during the coming months and years.

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2. As President Obama has made so eloquently clear, we, together as a nation, will again conquer the problems before us and as a people, we will reclaim our promise and deliver to future generations an even better world than what was entrusted to us. But, it is going to take some time before our economic ship of state can be righted and things will likely get worse, maybe a lot worse, before they get better.

The problems before us as a nation and a world are so deep and structural in nature that there can not and will not be any quick fixes and the adverse effects will continue to linger and be felt at the local level for quite some time.

3. Success in any of the areas discussed this evening will only be attained if we work together in a spirit of cooperation.

As we have demonstrated in this community time and again, when we work together...government with the private sector, the business community with civic organizations and most importantly, all of us as individuals, volunteering and giving something back in recognition of the rich blessings that have been bestowed upon us all...when we do these things and work together in the interests of others and not ourselves, there is literally nothing that we cannot accomplish.

4. Our spirit as Americans, and as members of this community of overachievers, cannot be broken!

Always remember, this City, like our Nation, was built by ordinary people doing extraordinary things, against the odds and going over, around and through any and every obstacle.

And while I have no idea and can certainly offer no guarantees as to how much of our list will be achieved by the time we gather in this chamber again next January, I am extremely confident of one thing; that like those who walked, served, sacrificed and built before us, the adversity of our day, will not deter or stop us from trying...and eventually succeeding.

Thank you and I look forward to continuing to work with you during the coming year, as we build an even Greater Jamestown.

The Director of Financial Services/City Clerk read the following appointment:

200901B00.02

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

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CITY OF JAMESTOWN )  
Mayor's Office )

To the City Council of the City of Jamestown New York

Council Members:

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

Clyde Card  
574 Front Street  
Jamestown, NY 14701

to be appointed a member of the Property Rehabilitation and Conservation Board of Appeals, (to fill the un-expired term of Ward Near, resigned) in and for the City of Jamestown, New York.

The term for which said appointment is to be made will expire December 31, 2009.

Dated: January 26, 2009

Samuel Teresi  
Mayor of the City of Jamestown, New York

Councilman Spitalo moved to suspend the rules and vote on the appointment.

Carried: 9 ayes, 0 nays

Councilman Dolce moved to approve the appointment.

Carried: 9 ayes, 0 nays

**OPPORTUNITIES FOR PERSONS TO ADDRESS THE COUNCIL**

200901B00.03

James Slagle, Hotel Jamestown Bldg., W. Third St.: My first issue is to Jeff Lehman and the Mayor, will 5<sup>th</sup> Street be done this year? I hope so. That is one mean street. I haven't seen so many holes in my life. They haven't got out there and cold patched and patching and I avoid that street altogether. Another thing that's struck my attention- I talked to Michael Taylor about 4<sup>th</sup> Street going two ways. He said the study is over - is that right Michael?

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Councilman Taylor: We did get results of the study late last year.

Mr. Slagle: Well, do you think it will go through? We need that street two ways because when they start that Washington Street Bridge they're going to need that street open.

Councilman Taylor: Well, the best thing to do is I'll show you a copy of the study. Look at the recommendations and we're still waiting on some direction on it as well. Obviously, certain things last year, any Councilperson can tell you, anyone from the city can tell you, probably took precedence over the study, really hasn't been discussed amongst the Council yet. Probably a lot of you have seen that study and what was recommended and the different options that were in it; but then again, just keep in mind-it was a study, it doesn't really say anything definite what's going to be done with the City.

Mr. Slagle: My other concern is on the corner of Washington and Third Street – that light. When you're coming down Washington Street and turn on Third Street – that should be an arrow right there. Somebody's going to get in a bad accident right in that section. It's probably happened several times almost – needs an arrow on that red light and like you drive up on North Main and Fourth. Now downtown on North Main Street that other sign needs to be taken down. Why can't that be used for a left hand turn? I discussed this last year if you remember and the other thing too, we need to get more business in downtown Jamestown, more stores open, heaven forbid – the mall ain't doing nothing and we need the business downtown to bring the people back down here. We've got a lot of buildings empty that can be made into little grocery stores or something like that or clothes, or something like that – especially for the older people that can't get out like we can. Our senior citizens, I'm not saying they're not being overlooked, but our senior citizens need something in downtown Jamestown, especially people from the Hotel Jamestown, especially people from the Hotel Jamestown and The Covenant Manor, especially if their wheelchairs are stuck there. You see what I'm saying Mayor?. Our seniors need this downtown. But we need this. Because I remember back in the '40's you could hardly walk down these streets. I mean when I was a kid you're lucky you got down to the streets – it was very busy. And these manhole covers...it cost me over \$500 to get my front end fixed and the frame. You don't need those manholes that deep and I'm sure the plows they go down deep in the ground because they've got skids on their plows. You need to do something about these manholes – they're getting terrible. It took me about \$500 to get my front end fixed and something's got to be done. Even downtown Warren is the same way we are up here and Chief Rater, your police officers are doing a terrific job; I hear you on the scanner 24 hours a day. The other thing – the Hotel Jamestown, the heater's need to be...I don't know who takes care of the heat, I guess it comes from the electric company – we need to get more heat in that Hotel. My room is ice cold and I have to use electric heaters which I don't like because they cause fires. I was talking to the Chief of the Fire Department over the weekend they had a Jamboree in the Crystal Ballroom and they put the coat racks out in the hall. I told them you're not supposed to put them out in the hall. Well,

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they still did. They should put them right in the side room, but not in the hallway. I'd like to see you Council members concentrate on the same system-concerns of the people. Thank you very much.

**REPORTS OF STANDING COMMITTEES**

**FINANCE COMMITTEE**

200901B01

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 \$8,938,197.41 in accordance with the period ending January 26, 2009, 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 \$5,381,650.44, investments in the total amount of \$2,250,000.00 and payrolls in the total amount of \$1,306,546.97, 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: 9 ayes, 0 nays

200901B02

BY COUNCILMAN DOLCE:

RESOLVED, That Lieutenant Bruce D. Anderson be, and he hereby is, authorized to attend the Finger Lakes Building Officials Association Training Seminar for Code Enforcement Officials to be held at the RIT Conference Center in Rochester, New York on March 16-19, 2009, with expenses paid pursuant to Section 77-b of the General Municipal Law.

Carried: 9 ayes, 0 nays

200901B03

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 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 2009 General Fund Budget).

Councilman Dolce: These are two positions being filled due to retirements and there's no increase to staff.

Carried: 9 ayes, 0 nays

200901B04

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 Parks, Recreation and Conservation 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.

- One (1) Laborer (funded in the 2009 General Fund Budget).

Councilman Dolce: Once again, the same situation, keeping that number where it currently is.

Carried: 9 ayes, 0 nays

BY COUNCILMAN DeJOY:

WHEREAS, the Jamestown Gateway Station Intermodal and Riverwalk Connector Trail, Project Identification Number 5758.00.00 (the "Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% Federal funds and 20% non-federal fund; and

WHEREAS, the City of Jamestown desires to advance the above project by making a commitment of 100% of the federal and non-federal share of the costs of the Final Design of Jamestown Gateway Station Intermodal and Riverwalk Connector Trail, and

WHEREAS, any State matching funds to this Federally-funded project may be used to fund up to 50% of the non-Federal share of federally-funding projects, but not to exceed 10% of the project costs, and

WHEREAS, any Transit State Dedicated Fund aid may not be used to fund the non-Federal share of federally-funding projects, now therefore be it

RESOLVED, that the City of Jamestown hereby approves the above-subject project; and it is hereby further

RESOLVED, that the City Council hereby authorizes the Comptroller of the City of Jamestown to pay in the first instance 100% of the federal and non-federal share cost of Final Design work for the Project or portions thereof; and it is further

RESOLVED, that the sum of \$800,000 is hereby appropriated and made available to cover the cost of participation in the above phase of the Project; and it is

RESOLVED, that in the event the full federal and non-federal share costs of the project exceeds the amount appropriated above, the City of Jamestown shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Commissioner of Transportation, and is further

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

RESOLVED, that a certified copy of this resolution be filed with the New York State Department of Transportation by attaching any necessary Agreement in connection with the Project; and it is further

RESOLVED, this Resolution shall take effect immediately.

Carried: 9 ayes, 0 nays

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200901B06

BY COUNCILMAN DeJOY:

RESOLVED, That the Mayor be, and he hereby is, authorized to enter into a contractual agreement with the New York State Worker's Compensation Board, 20 Park Street, Albany, New York for the rental of 2,180 square feet of office space on the Third floor of the Municipal Building beginning April 1, 2009 through March 31, 2019, in the amount of \$23,980.00 for years 1-5 (\$1,998.33 per month) and \$28,340 (\$2,361.66) for years 6-10 subject to the approval of the Corporation Counsel as to form.

Carried: 9 ayes, 0 nays

200901B07

BY COUNCILMAN DeJOY:

Resolution authorizing the Mayor to enter into a contract with Veracity Benefits as the consultant to Blue Cross Blue Shield MedCo to provide Pharmacy Benefit Management for the time period of February 1, 2009 to January 31, 2011.

Councilman DeJoy: On the Agenda, it said "2010" – The City Council agreed to extend this agreement two years to 2011.

Carried: 9 ayes, 0 nays

**PUBLIC WORKS**

200901B08

BY COUNCILMAN SPITALE:

RESOLVED that the bid submitted by Metzger Removal, Inc., 235 River Road, North Tonawanda, NY, 14120, for Crushing of Road Base Material (2009), based on the bid opened January 23, 2009, in the following amount, be and the same hereby is accepted:

Crush and stockpile approximately 20,000 ton of material at \$4.23/ton

this being the only bid received, and be it further

RESOLVED that the Mayor be, and he hereby is, authorized to execute an agreement with Metzger Removal Inc., which agreement will reflect the services to be performed by Metzger Removal Inc., at the price referred to above, said agreement to be subject to approval as to form by the office of the Corporation Counsel.

Carried: 9 ayes, 0 nays

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**PUBLIC SAFETY**

200901B09

BY COUNCILWOMAN JONES:

RESOLVED, That the Jamestown City Council hereby grants the following organization a Games of Chance license for February 7, 2009:

Loyal Order of Moose Lodge #1681

Carried: 9 ayes, 0 nays

**NEW BUSINESS:**

200901B10

BY COUNCILMAN TAYLOR:

WHEREAS, on January 22, 2002, the Jamestown City Council adopted Resolution No. 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 No. 200611D17 to extend the freeze to any change in employment for part-time to full-time status, and

WHEREAS, on November 17, 2008, the Jamestown City Council adopted Resolution 200811A15 to reduce through attrition and freeze the number of uniformed officers within the Jamestown Police Department to 60; now therefore be it

RESOLVED, that effective immediately the Police Chief/Director of Public Safety shall have the authority upon the approval of the Mayor to hire uniformed police officers within the City's Police Department in accordance with the Memorandum of Understanding dated October 15, 2003 as adopted through Resolution 20040917 by the Jamestown City Council on September 20, 2004 when the number of uniformed police officers is reduced below 60; and be it further

RESOLVED, the purpose of this resolution is to maintain the Department in compliance with the provisions of previously adopted City Council resolutions 200811815 and 20040917; and be it further

RESOLVED, that the Police Chief/Director of Public Safety shall immediately inform the members of the Jamestown City Council of all such hiring actions.

Councilman Szwejbka: Cutting through all the verbiage, I think we're saying that the Chief of Police now has the authority with approval of the Mayor to make sure the level of our Public Safety fleet does not fall below 60.

Councilman Taylor: I just have one and I'm not the one who wrote this and put it together so I can't take credit for that; but I will say this resolution is necessary. When we had the previous resolution a month back regarding bringing the attrition to 60, I was

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against that as some of you may recall. I just hope in the future if we get dangerously low, this is to protect the Public Safety Department. I do feel that we are actually sort of flirting with danger on this and with all this talk about the things we need for senior citizens or bringing businesses in, I think that it does kind of show a bad precedence, though financially necessary, if we're reducing our Public Safety services. So I hope in the future that we could come up with innovative ways. Councilman Szwejbka made reference to alternative ways in looking to pay for Public Safety services – state wide and municipalities – and I hope we can look into some of those options so we don't have to have attrition policies like this in the future. Thank you.

Carried: 9 ayes, 0 nays

200901B11

BY COUNCILMAN DeJOY:

RESOLVED, that the Jamestown City Council hereby authorized a Parking Ticket Amnesty Program for all license plate numbers that currently owe monies for parking violations to the City of Jamestown by resolutions 200811A04, and 200812B34 and be it

RESOLVED, that the Parking Ticket Amnesty Program allowed for the accumulated principal amount and 50% of the penalty amount to be paid to the City Treasurer's Office during the time period December 1, 2008 – January 31, 2009, and be it,

RESOLVED, that the Parking Ticket Amnesty Program was extended to January 31, 2009 in order to accommodate those individuals who wished to take part in this program to pay the principal amount and 50% of the penalty amount, and be it

RESOLVED, that Parking Ticket Amnesty Program shall be extended to February 28, 2009 in order to accommodate those individuals who wish to take part in this program to pay the principal amount and 50% of the penalty amount, and be it further

RESOLVED, that at the completion of the Parking Ticket Amnesty Program all unpaid charges will revert back to the principal and appropriate penalty amounts.

Carried: 9 ayes, 0 nays

Councilman Dolce: Just a comment that piggy backs on the Post-Journal's article on housing – I am happy to see in the Mayor's speech tonight on housing improvements, neighborhood revitalization, it is a priority of this Council as well as the previous Councils with the establishing of a Housing Committee and now another active committee – the sub-Housing Committee – to try to deal with the issue of neighborhood blight and the problems associated with that. In particular, the Mayor has made comment about continuing to press County officials to revive the practice of conducting code compliance inspections on all In-Rem properties in the City of Jamestown prior to the sale by the County. It's a problem that we've been facing and it could go a long way to alleviate some of the issues that we have. You know, we talk about the loss of population and one of the things we need to do is to make housing and neighborhoods a priority to preserve what we still have and to make our neighborhoods more attractive to other

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people coming in that want to live in our City and we want to keep what we still have here and certainly bring more people into the City. Again, I want to thank Kristin for that article yesterday and there's some wonderful things going on out there - two very, very strong active groups on the Northside and they're doing great things for the neighborhood. I want to keep that momentum. Thank you.

There being no further business, the meeting was adjourned.

James N. Olson  
Director of Financial Services/  
City Clerk