

November 23, 2009

City Council

Proceedings by Authority

State of New York
City of Jamestown
City Council Chambers

A regular meeting of the City Council of the City of Jamestown, New York was held on Monday, November 23, 2009 at 7:30 p.m.

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

Others Present: Mayor Sam Teresi, Director of Financial Services/City Clerk James N. Olson, Comptroller Joe Bellitto, Corporation Counsel Marilyn Fiore-Nieves, Director of Public Works Jeff Lehman, Director of Public Safety, Police Chief Rex Rater, Director of Development Steve Centi, Director of Youth Vickye James, Deputy Chief Lance Hedlund and Executive Assistant to the Mayor Matt Hanley

Council President Rabb called the meeting to order.

Michelle Buhite of the Unitarian Universalist Church gave the invocation.

The minutes from the previous meeting of October 26, 2009 were approved.

OPPORTUNITIES FOR PERSONS TO ADDRESS THE COUNCIL

200911B00.01

Steven Bonilla, 30 Charles Street, Apt. 2: I recently tried to move and came to the awareness that there was a charge on my record that I'd never been arrested for of kidnapping and it's very damaging to my record and I'm responsible for getting it off my record, but then I'm allowed to go after the fees that occurred in doing so, so I propose to City Council this, and I've never done this before, but I just feel like it needs to be heard: (letter read into the record by Mr. Bonilla)

TO THE CITY COUNCIL OF JAMESTOWN, NEW YORK: I bring forward a request that the City Council consider a proposal to allow a system to be set up to independently monitor and handle police complaints as is set up in New York City and cities across New York State and America. I strongly believe in doing so, it will help keep Jamestown free of police corruption and will separate a few corrupt elements out of the outstanding people, the everyday cops that do the hard work. It will stop the Jamestown Police Department from further tarnishing its public image which has been done so over the last few years. In setting up an independent panel, the City will

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definitely save money from lawsuits from victims of incidents from corruption and police corruption. Thank you.

200911B00.02

Paul Mancuso, 235 S. Main Street: We're still talking about the budget, am I right?

Council President Rabb: Yes sir.

Mr. Mancuso: I was here last week and I said a lot of things. I've had time to think about it and I thought I'm pretty much right. I don't know. Everybody believes they're right so...starting with the youth – if we don't have any youth in this City, I don't mean just today, I'm talking if we don't have anybody coming back. I have a grandson – he's not coming back because there's no jobs for him; so we have to have a Youth Bureau. We have to have something to control and try to help to get our youth back to Jamestown; otherwise you know, we're going to have a bunch of people with walkers and canes and wheelchairs. We're not going to have anybody here but old, decrepit people. We die. Jamestown will die and that's not good. Then you have the Police Department. I would hate to live without the Police. I don't know if anybody here has a scanner – I do – because I'm nosey. I listen to it. The Police are having a lot a lot of calls, I mean they're busy one call right after the other – who's beating their wife up, who's not getting along with their neighbor, they've had shootings and stabbings, finding dead bodies – who's going to do that if we get rid of the Police? I think we need them. Like I said, I've thought about this since last week. Now we get on to the Fire Department; now if we get rid of the firemen, just even one, and you have a grandson or a granddaughter, or your daughter and they're home and the house catches on fire – what are you going to do? You going to run over there and put the fire out? I'm not. I don't do that. I just think we have to keep the police, the fire and the youth, we need those three. There's a lot of other things we need too and there's other places I'm sure money could be shuffled from one place to the other because it happens when you need it. All of a sudden, the money's there. There's people that have rental properties and they're getting grants to fix their houses. I have an old, bad house – not bad, but getting bad – and I can't get anything. I'm on a fixed income. I'm on Social Security. Now for two years, I'm froze. I don't get a raise for two years – cost of living raise – that's the government. The federal government can do what they want. I wouldn't doubt they come into the cities and start telling the cities – I think in California they already have – start telling the cities about their pensions, their working habits, whatever. If Jamestown was a private concern instead of a city, you'd be on work share; because almost every factory in town has that, or business in town, has that now where you're on for three days and you're off for two – unemployment, whatever it is – I don't know, I'm not a worker anymore. I just hear the big boys talking. So, I don't really have much more to say, but I think I was right last week and I think I'm even righter now. You don't want vigilantes. You don't want a volunteer Fire Department and you definitely don't want to have the kids...they go to their school counselor and the counselor tells them – "oh yea, we'll help you do your paperwork," and then they end up down to the Youth Bureau because

Vicky James has the contacts, she knows who to write the letters to, that's something we need. If you want to get rid of the kids – go ahead, throw them out with the bathwater. Not good. Not good. Thank you.

200911B00.03

Peter Morgante, 134 Euclid Avenue: I might as well get up. I still don't think your microphones work any good. Every time we come here and all the issues, we always hear about the kids – we've got to do it for the kids, because they move away and then never come back. Well, something must be wrong with me. I've had six kids, they all went to high school in Jamestown, they all went to JCC, they all went away, they all got college educations and they all come back to Jamestown and found good jobs. Superintendent of Schools, engineers, CPA's, everything – and teachers; and they all bought homes. They continue to live in the City of Jamestown and that's what they're here for. So it isn't the idea that everybody's going to move away once they get old enough to find a job. What kind of jobs are they looking for? We're finding all these people coming back now and they're finding jobs that are available here, but maybe it isn't for them. Now our Mayor keeps asking for public input on ideas on how to cut the budget, puts it on the radio – "we need help." You people haven't done nothing to help them out. Something is wrong. Where's the leadership on City Council on the City Budget? Who's going to have the guts and make the cuts that's needed? Now for years and years and years, I've been after the Mayor and the Fire Department to close down some of the fire stations, but have you even discussed that? But no – we've got four fire stations and maybe they're not being manned, but you pay the upkeep of all those buildings just to keep them open. We do the same thing with the ice rink up there. Keep it open once a year for an event. Get rid of the darn thing and get rid of half of the expenses we got. We don't need all of that cost. Now it was very sad to see last week the policemen over there and the firemen over here and the DPW was no where – just Jeff was there – but when one of the firemen got up and was talking about – he didn't know where all the money goes for the fire department because he only makes \$36,000 a year. And I'm quite sure he doesn't get the overtime. Something is wrong; and he's got to apply for food stamps. You've got a fireman who is poor. I don't know. Now when we talk about budget time, wages, and then we get into overtime, this is the biggest problem you people got and you never address it. Why do you keep giving these City workers and school boards 3% of their base pay every time a contract comes up? The private sector give people dollar amounts in their pay so that all City employees and whoever they are, get the same raise. Why should one person get a \$3,000 raise and another person get \$1,000 raise? That's not the way you run businesses. You keep giving these guys raises constantly – everybody should get the same raise, but that's one thing you guys should be doing different; plus the overtime. Overtime is poor management and I blame that on the department heads. You've got in there too darn much management figured into your budgets – you don't need it. Emergency should be used for overtime and of course come out of their contingency fund. Now speaking of the contingency fund, you are short half a million dollars – that's \$500,000 you're short in December and you're going to borrow it from the BPU, but you've still got supposedly money that you could tap off if you have to in the contingency fund; but you're going to put the BPU in trouble. This will be another bond because you won't be able to pay the

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thing off and that's another expense you've got. Also, it proves all that you can't run the City on the budget you already passed. Next year's going to be worse than this year. Now we here you talking here – gee if it's bad this year, next year's going to be worse than this year because you know the budget you can't meet it. Something is wrong. You've got to make cuts. Everybody's got to make cuts. Has anybody been to the Post Office lately? Where's the Postmaster? You know he's got a route? He's nothing more than a glorified mailman now. This is what we need. We need cuts in the City. We can't help it. People can't afford it. Everybody's wages are frozen or they're eliminated. Now we see most of you people up there, very few of youse will ever face pay cuts, Mrs. Jones, Mr. DeJoy – you've already been through a loss of a job – and who else? Mr. Taylor – you're going to have cuts, otherwise your salaries are guaranteed?

President Rabb: Mr. Morgante – can I interrupt you please? You're five minutes is up.

Mr. Morgante: Is it up?

President Rabb: Yes Sir.

Mr. Morgante: Were you watching it real close?

President Rabb: Yes Sir. We need to move on.

Mr. Morgante: Yea – I think you've got a short watch on. Sometimes...

President Rabb: Well, I wanted to stop you before you got to my salary.

Mr. Morgante: Okay. Well, but you've got to take the bullet and make the cuts that the people can stand. Homeowners are not going to be held responsible.

President Rabb: Yes Sir. Thank you.

200911B00.04

Chuck Painter, 11 Peach Street: I noticed that our Obama administration has got all kinds of money that they're giving away for green jobs. I've noticed two buildings in this town and I'm standing in one of them, that's loaded with glass windows and the other one is the Post Office. Them two buildings would be ideal to put in solar panels. They could heat this building for free, they could heat that building for free and they've got government money to do it. If you guys would just get off your duffs and go after the money for these two buildings – I know that nobody's probably heard this before from me – I have talked to a couple of people that worked here – a cop was one of them – but I think that would be a good place to start. It would create jobs for the panels to be made in this country. It would create jobs for the people in this town. We have a lot of electricians in this town that could put them in, and it would save us a ton of money on electricity because we could generate our own electricity. These buildings are huge and these windows are huge and they would take and generate a lot of power.

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President Rabb: Thank you.

200911B00.05

Daniel Myers, 515 Forest Avenue: I've been a resident of Jamestown since I was born – 41 years – and recently I've had some time to look around and I walk to work, my wife and I started a business down on 79 Allen Street, a new flower shop and I've had time to just really look. I lost my job last year from Cummins on February 6th and I've diligently looked for work in this area and nothing was there in my expertise. Mr. Morgante, I'm glad to see your children and grandchildren have found work here because there isn't really professional jobs in this area. Okay? And I continually see educated morally stable children checking out and it bothers me. Some of the fixes I want to see in place is our City's really trashed. If you look around, there's literally garbage everywhere. I pick up two bags of garbage a day. I walk from 515 Forest down to 79 Allen Street and there's always two bags of garbage I can pick up, and that's not even trying hard. Mr. Mayor, I respect the fact that you do your neighborhood walks and I'm pleased to hear that, but our City does not look good – it's not appealing. I had a choice when I lost my job to look for work, check out, or start a new job. I chose the third option because the other two weren't even there. My point being, I want the City to look great like it did in 1985, 1986, it was clean, it felt good, the housing looked good; I mean I was down on Newland Avenue – there's trash everywhere and it's very upsetting – it drives me crazy when I walked by them – like, what's going on? So I plead with you guys as a Council, I'll develop a task force – I was talking to Mr. Centi. I'll volunteer 20 hours a week to work with the youth, old people, I don't care who – the senior citizens – to clean this City up. I'm very concerned about where we're at. We have budget issues; I know several police officers. I say hey "the crime, we live in a safe city." We can't disclose everything, but our City isn't safe. Mr. Mayor, I appreciate what you guys do, but we have our issues here. For 32,000 people living in our City – we have some issues. I was in Detroit here about a year ago and Detroit is...I'm not sure what the population is there, probably a couple million people with the suburbs, and I think Jamestown's probably close to it as far as the dilapidation of housing and the City streets don't look great. I'm 41 years old. I want to make it right. If you guys can point me in the right direction, I'll gladly take it. Thank you.

President Rabb: Thank you.

200911B00.06

Jeff Griffith, 130 Ellis Avenue: My beef here tonight is this \$500,000 to borrow from the BPU. Don't borrow. If you can't make the cuts – if you don't have the guts to do that – raise the taxes. Most of you ran unopposed. We can't make tough choices. I have to disagree with Mr. Mancuso – I think we could – we're getting small enough now to go to a volunteer Fire Department. It's unfortunate that we keep losing the population and the taxes just keep going up. My other thing is the \$12,000,000 into that dump over there on 2nd Street. After John Evans took all the marble, all the brass and everything that was valuable out of it, let it go back to the City – not a person was fired. I'd like to know who did this. Who sold him the building? Now

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we're going to put...with this economic climate, we're going to put \$12,000,000 into the train station? Thank you.

President Rabb: Thank you.

200911B00.07

Anthony Hubbard, 412 E. 6th Street: I've been here since 1994. I'm not a native from Jamestown. What I've seen since I've lived here is like one of the gentlemen talking about the youth leaving – that is very evident. When I moved here there was not a lot of things for youth and then when the Nushon Williams incident – that happened here – the community was flooded with grants and funding and stuff for programs. With all that money that we had, some of it was wasted, some programs that were here are gone and now we still have the issues with the youth. The Youth Bureau has been here and has been trying it's best to work with the youth in the community. The thing about the Youth Bureau and what we call "the standard," it's hard for them to work with the community sometimes because some of the things that they get the money for and stuff...it's hard for them to get it through to the community. The community doesn't understand it and they don't want it. I think we live in a confused city. We don't understand which way we want to go. The youth are leaving, which is true. They go to college here – they get their funding – it's free – basically JCC – and then when they're out, there's really nothing here. There's no industry. Recently, we're starting to get small little businesses up here, but that's not enough. So they see this and then they go. Most of our community is.... .the jobs that are here are for non-profits; the Resource Center, COI – non-profits. Big, huge non-profits and they employ most of the people. Our manufacturing industry basically gone. We've got to find a way somehow to get the jobs back so the youth can stay. That's what makes our community stronger. I'm from New York City and that's the thing. My community, lower east side, they don't even call it the lower east side any more, they call it the East Village. Rents that used to be \$300, \$400, it's a couple grand a month. Why? Because they found out how to do it and they made it better. Coming to the Fire Department – since I've lived here in '94, there was not that many fires. I've seen more fires in the last two years in this community then I've seen in a long time. It reminds me of the Bronx in the 1970's. We're having more vacant lots now and then For Sale signs and they stay there. There's things that we can be doing with that. I don't think taking the risk of losing the Fire Department because of the fact that we're losing people. We need them because if we don't with all these fires that's going on, you talk about overtime – they're going to get it. The Police Department since Mr. Rater's come into play – I feel has improved. They do need extra training for a lot of the other stuff that's going on in this community. They're deeper and deeper narcotic issues that we've never seen before that's happening now that is underneath the rug. Yes. They do need those extra men, but they also need that training. That's all I have to say. Thank you.

200911B00.08

Mike Moots, 112 Buffalo Street: In my job, I'm the Executive Director of the United Way; I've worked with Vickye since I came here in 1990 and I want to speak just for a few minutes about Vickye's role in the community and what the benefit of that

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role is to the City Government. When I think of the Youth Bureau and Vickye's role, I don't think just of the kids, but I think of their families too because the programs that she's worked on in the community since I've known her affect not only the kids, but their families, especially the families that are really struggling and having a tough time. That's kind of a unique role in this community. You don't find other people at other organizations in the community that play the role that Vickye does in terms of bringing programs around for kids and families. I think in the 16 years that we've really worked together and the last two where Vickye has served as my Board President at the United Way, I don't think there's an innovation or a program that's lasted for kids and their families in the City that Vickye hasn't had a hand in in terms of making it happen. And not only making happen, but sustaining them and seeing that they last because they're good programs, and I've never seen her go out to fight for a program that wasn't worth it. She's let those go so she makes very good judgments. Now what does that mean for the City Government? I think it means that there is a person in City Government that not only in reality, but as a representative of the importance of taking care of your people and taking care of them in a different way than the safety forces can do which is so important, or other things, but she brings the connection to the neighborhoods to the City Administration, to City Government and she expresses a point of view, that if she's not present, may not be heard. So I think there is a real return on the investment that the City Government makes. It's not a large amount of money, but there's a big return that comes back and I realize that City Government has a lot of tough choices to make, and I certainly understand that. I don't envy you at this time, however, it would be easy to say "let's lose this particular position," at a time when it's really the most needed. It's a unique position in the City and Vickye has done a great job and that's my personal opinion, in terms of making those things happen. So that's why I came tonight. Thank you.

President Rabb: Thank you.

200911B00.09

Stacy Tanner, 155 Hotchkiss Street: I work for The Salvation Army so I'm here tonight in regards to our Children & Family Outreach Program. We've been in existence since 1994. We provide child victims of physical abuse, sexual abuse and who have been in homes where domestic violence is present. We're counseling services. We do receive Youth Bureau funding and since I've worked for the Salvation Army, it's funny because all the time I hear "well it's easy to get children's programming, easy to come across the money." Every year we sit in budget meetings wondering where our funding is going to come from. All of our services are free so what we give to the children and their families, we don't charge them any fees, and we need those services. We come across youth every day. We serve approximately 80 children a year who have been child victims and we have a waiting list typically. We have group counseling that we offer. We have individual counseling and we also have in-home intervention services that we provide to families to help them deal with traumatic issues that they've gone through. We've already received a cut from the Youth Bureau in the past, but we still maintain funding from them and we appreciate every bit we receive from them. Tonight I've already been advised by another funding source that we'll be enduring a possible cut

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as well this upcoming year, so again, every year we don't know where our funding is going to come from and we need to maintain programming for our youth and as far as where it's coming from, I don't have any wise recommendations, but I plead for you to consider maintaining services to our youth. Thank you.

President Rabb: Thank you.

200911B00.10

Etta Young, 16 Cross Street: I spoke to you before. Tonight I'm getting up to tell you that I do expect to pay more taxes if it's going to help the young people and to help my city. But I have a commendation for the Police Department. I was away for about five weeks in Buffalo with my youngest daughter who had serious surgery. I was at Roswell also for my checkup. I came home, I was very disgusted because there was a car in my back yard and I got on the telephone and I called the Police Department. Somebody please tell me, tell this young lady at the desk who answered – she was so kind and so nice. I told her who I was; I told her what the situation was; I said "I told my own son not to leave that car back there." He disobeyed me and he left the car in the back yard last year, so I was fuming when I came home and found that car there. So I asked her what choice I had, what I should do, and she said "well, the Police Department will come down there and we will tow the car away and your son will have to pay the towing charges and your son will have to pay charges for every day that that car is in storage." I called my son and told him and don't you know that that yard is car-free now. There's no junk car back there. I said "if you want to leave that car there – you can, but the Police Department will be here and tow that car out in the morning and you will have to pay the towing charge." The lady was so nice I almost cried. People are always fussing about the police, fussing about the police. There's been incidences that happened. I know that the police sometimes taser a person. I don't think it's right to taser somebody and end up killing them; but sometimes when people have something – maybe a gun or a knife or something – sometimes a policeman has a right to defend himself also. They have lives, they want to live, they have families, wives and children they want to see grow up. So somebody please tell that lady that answered and spoke to me this morning that I deeply appreciate it that the car is gone.

President Rabb: Thank you. Is there anyone else who would like to address the Council this evening? If not, we'll move on with our regular business.

STANDING COMMITTEES:

FINANCE COMMITTEE:

200911B01

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 \$7,547,920.80 in accordance with the

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period ending November 23, 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 \$5,481,111.77, investments in the total amount of \$1,000,000.00 and payrolls in the total amount of \$1,066,809.03, 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

200911B02

BY COUNCILMAN DOLCE:

RESOLVED, That Captain Barry Swanson, Officer Lori Buchanan and Crime Analyst Jayme Reynolds be, and they hereby are, authorized to attend the Reducing Domestic Violence: Coordinated Strategies for Operation Impact Executives Conference to be held in Saratoga Springs, New York, November 17, 2009 with expenses paid pursuant to the Operation IMPACT VI grant from the State of New York.

Carried: 9 ayes, 0 nays

200911B03

BY COUNCILMAN DOLCE:

RESOLVED, That warrants be drawn and paid to the respective owners and paying agents the sum of fourteen thousand five hundred seventy-eight dollars and thirteen cents (\$14,578.13) in accordance with the bond requirements as follows:

Various Purpose Bonds, Series C issue of March 9, 2006, fourteen thousand five hundred seventy-eight dollars and thirteen cents (\$14,578.13) for six months interest at 3.50% per annum on eight hundred five thousand dollars (\$805,000.00).

Note: Refunding of 2000A (partial issues). Interest savings \$8,403.12 for this payment.

Carried: 9 ayes, 0 nays

200911B04

BY COUNCILMAN DOLCE:

RESOLVED, That the City Comptroller be, and he hereby is, authorized to make the following amendments to the 2009 General Fund Budget, to recognize the various contributions to the City of Jamestown from private agencies:

INCREASE: Appropriations	\$ 1,825.00
Summer Band Concerts	
A.7270.0499	

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INCREASE:	Appropriations Summer Playgrounds A.7140.0100	\$15,000.00
INCREASE:	Estimated Revenues Contributions-Private Agencies A.0000.2070	\$16,825.00

Councilman Dolce: Just a quick comment on these – we appreciate the foundations for stepping up and the other agencies to fund the summer band program and also playground program as well. Thank you.

Carried: 9 ayes, 0 nays

200911B05

BY COUNCILMAN DeJOY:

RESOLVED, That the Mayor of the City of Jamestown be, and he hereby is, authorized to enter into a Group Health Care contract with Blue Cross Blue Shield of Western New York a division of Healthnow New York Inc. beginning January 1, 2010 for Medicare Advantage Insurance for the City of Jamestown pre-1987 retirees.

Councilman DeJoy: Mr. President, in this resolution, it's another example of how the City has gone out and sought new ways to administer healthcare and with this comes approximately \$140,000 savings to the City and a better plan for those pre-1987 retirees.

Carried: 9 ayes, 0 nays

200911B06

BY COUNCILMAN DeJOY:

RESOLVED, That the City Comptroller be, and hereby is, authorized to transact an interfund loan from the Enterprise Fund (Board of Public Utilities) to the General Fund in an amount not to exceed \$500,000, and be it

RESOLVED, that this interfund loan is necessitated by a short-term cash flow shortage in the General Fund that will be eliminated upon receipt of approximately \$5,000,000 from New York State for General Purpose State Aid (AIM) payments and CHIPS payments expected on or about December 15, 2009 and be it further

RESOLVED, that this interfund loan will only be transacted if and when the short-term cash flow shortage in the General Fund materializes, and be it further

RESOLVED, that this interfund loan will be repaid along with interest at 2.00% per annum immediately upon receipt of the previously mentioned New York State payments, now therefore be it

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RESOLVED, that the Jamestown City Council approves the interfund loan with the Board of Public Utilities.

Councilman DeJoy: Mr. President, I want to clear up the misconceptions that somehow the City has mismanaged our budget and our funds. This is basically a cash flow problem that is brought on by the State not issuing payment that's due to us, and this is basically a short-term loan and we are not bonding for this loan, as being suggested; it's very short term and it's probably less than a month. As soon as we get the money from the State which we feel very confident is coming, we will repay the BPU in full with a little bit of interest.

Councilman Dolce: It has nothing whatsoever to do with next year's budget. This is an annual thing because the State payments come in at the very end of the year. We have a cash flow problem and so we borrow whatever...we may not need any of this...it's just that we have to have a resolution in case the Comptroller gets to a point where he has to have money to pay bills. We now have a mechanism in place. We've done this in the past. Unfortunately, this year our revenues are slightly down because of the economy so it's going to be tight. And again, if the State – once their payment comes in – this is not a problem. We have plenty of money to get through this year and it has no impact whatsoever on the 2010 budget. Thank you.

Carried: 9 ayes, 0 nays

PUBLIC SAFETY

200911B07

BY COUNCILMAN SZWEJBKA:

BE IT ORDAINED by the City Council of the City of Jamestown, New York, as follows:

Section 1. Section 131-10 (A) of the Code of the City of Jamestown is hereby amended as follows:

§ 131-10. Electrical inspectors. [Amended 10-22-1984; 4-17-1997; 2-24-2003; 11-26-2007]

A. Approval of electrical inspection companies. Electrical inspection companies shall provide to the City of Jamestown a certificate of insurance in the amount of at least \$1,000,000 naming the City of Jamestown as an additional insured. Upon request, the companies shall provide, at no charge to the City, courtesy inspections.

Section 2. This ordinance amendment shall be effective immediately upon adoption.

Carried: 9 ayes, 0 nays

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200911B08

BY COUNCILMAN SZWEJBKA:

BE IT ORDAINED by the City Council of the City of Jamestown as follows:
Section 1. Section 160-16. of the Code of the City of Jamestown is hereby amended for the listed classifications and fees as follows:

§ 160-16. License required. [Added 9-28-1992 by L.L. No. 5-1992; amended 11-27-1995; 12-11-1995 by L.L. No. 6-1995]

No private solid waste hauler shall be permitted or entitled to collect and transport solid waste in the City of Jamestown without having first obtained a license to do so from the office of the City Clerk of the City of Jamestown in accordance with Chapter 175 of the Jamestown City Code. Each licensee shall pay a fee of \$150 per annum or any part thereof, together with \$35 for each and every vehicle utilized to collect and/or transport solid waste. If the Solid Waste Hauler collecting solid waste from either commercial or residential sources which is stored upon City property, they shall file with the office of the City Clerk a certificate of insurance, naming the City of Jamestown as loss payee and as an additional insured, in form acceptable to the office of the Corporation Counsel and in a minimum amount of \$100,000 per single occurrence and \$300,000 per multiple occurrence. For purposes of this section, a license shall run from September 1 of each year and shall expire August 31 of the succeeding year. Such private solid waste hauler license shall be accompanied by a decal for each vehicle utilized to collect and/or transport solid waste and shall be, at all times, displayed in a conspicuous place on the left lower corner of the left front window of each vehicle.

Section 2. This ordinance amendment shall be effective January 1, 2010.

Carried: 9 ayes, 0 nays

200911B09

BY COUNCILMAN SZWEJBKA:

BE IT ORDAINED by the City Council of the City of Jamestown as follows:

Section 1. Section 175-3.A. of the Code of the City of Jamestown is hereby amended for the listed classifications and fees as follows:

CLASSIFICATION	FEE
AMUSEMENT DEVICE	\$75
ADDITIONAL INSPECTION	\$50
AUCTIONEER	\$75
BOWLING ALLEY PER LANE	\$20
PAWNBROKER	\$250
SECONDHAND DEALER	\$125
SIGN INSTALLATION	\$20

SOLID WASTE HAULER	\$150
ADDITIONAL VEHICLE	\$35
SITE PLAN REVIEW-STAFF	\$75
SITE PLAN REVIEW-COMMISSION	\$125
STORAGE OF IMPOUNDED VEHICLE	\$25
TAXICAB	\$100
TAXICAB TRANSFER	\$25
TAXICAB ADDITIONAL INSPECTION	\$20
TAXI DRIVER	\$30
TOWER	\$75
TOWER ADDITIONAL VEHICLE	\$25
TRANSIENT RETAIL MERCHANT	\$300
ZONING BOARD OF APPEALS	\$125

Section 2. Section 175-3.B. of the Code of the City of Jamestown is hereby amended for the listed classifications and fees as follows:

CLASSIFICATION	FEE
NEW MULTIPLE DWELLING UNIT	\$50 ADDITIONAL UNIT
NEW COMMERCIAL/INDUSTRIAL BUILDINGS OR STRUCTURES	
UP TO 3,500 SQUARE FEET OF FLOOR SPACE	\$250+.20 PER SQUARE FOOT
3,500 TO 10,000 SQUARE FEET	\$350+.20 PER SQUARE FOOT
10,000 TO 35,000 SQUARE FEET	\$550+.20 PER SQUARE FOOT
GREATER THAN 35,000 SQUARE FEET	\$1,050+.20 PER SQUARE FOOT
ADDITIONS TO EXISTING COMMERCIAL/INDUSTRIAL BUILDINGS	
UP TO 3,500 SQUARE FEET OF FLOOR SPACE	\$250+.20 PER SQUARE FOOT
3,500 TO 10,000 SQUARE FEET	\$350+.20 PER SQUARE FOOT
10,000 TO 35,000 SQUARE FEET	\$550+.20 PER SQUARE FOOT
GREATER THAN 35,000 SQUARE FEET	\$1,050+.20 PER SQUARE FOOT

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RENOVATION/ALTERATION TO EXISTING COMMERCIAL STRUCTURES	\$100+.20 PER SQUARE FOOT
GARAGES, DETACHED (UNDER 600 SQUARE FEET)	\$35
GARAGES, DETACHED (OVER 600 SQUARE FEET)	\$60
FENCES	\$15
STORAGE BUILDINGS, UP TO 250 SQUARE FEET OF FLOOR SPACE	\$35
STORAGE BUILDINGS, OVER 250 SQUARE FEET OF FLOOR SPACE	\$60
SIGN PERMITS PER SQUARE FOOT	\$1.00
MINIMUM FEE PER SIDE	\$75
SWIMMING POOLS	\$75
DEMOLITIONS	
RESIDENTIAL STRUCTURES	\$75
COMMERCIAL/INDUSTRIAL BUILDINGS OR STRUCTURES	\$150
PARKING LOTS	
1-12 SPACES	\$75
13+ SPACES	\$125
STREET OPENING PERMITS	\$75
ENCROACHMENTS-NEW	\$60
ENCROACHMENTS-RENEWAL	\$50
ANNUAL RIGHT OF WAY PERMITS	
WINDSTREAM -REPLACES ALLTEL OF NEW YORK, INC.	
STORM SEWER CONNECTION	
6 INCHES OR LESS IN DIAMETER	\$60
GREATER THAN 6 INCHES IN DIAMETER	\$350
BILLBOARD PER SQUARE FOOT	\$1.00
MINIMUM PER SIDE	\$75

Section 3. Section 175-3.D. of the Code of the City of Jamestown is hereby amended for the listed classifications and fees as follows:

CLASSIFICATION	FEES
FEES FOR FIRE DEPARTMENT	
COMMERCIAL AMBULANCE SERVICE ASSISTANCE	\$150

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FIRE DEPARTMENT MASTER BOX ALARM	\$200
COMMERCIAL AND INDUSTRIAL	\$175
HAZARDOUS MATERIAL MITIGATION	\$275 PLUS FIELD EXPENSES
TECHNICAL RESCUE	
LIGHT DUTY RESCUE	\$300
HEAVY DUTY RESCUE	\$550
INDUSTRIAL/COMMERCIAL RESCUE	\$800

Carried: 9 ayes, 0 nays

200911B10

BY COUNCILMAN SZWEJBKA:

Section 4. Section 175-6. of the Code of the City of Jamestown is hereby amended for the listed classifications and fees as follows:

Whenever a motor vehicle is impounded by the Jamestown Police Department or other police agency for any reason authorized by law and such motor vehicle is stored on real property owned by the City of Jamestown during the period of impoundment, the owner of such motor vehicle shall pay to the City of Jamestown a storage fee of \$25 per day for each day or any portion thereof that said motor vehicle is stored on City property, together with towing charges, if any, incurred by the City of Jamestown in the impound of such motor vehicle and an administrative fee of \$250. No motor vehicle lawfully impounded by the Jamestown Police Department or other police agency which is stored on real property owned by the City of Jamestown shall be released to the owner thereof until such time as such impound is authorized by the Chief of Police or authorized officers under his command or by the impounding police agency other than the Jamestown Police Department, nor shall any such motor vehicle be released from impound until such time as all storage fees, administrative fees and towing charges are paid to the City of Jamestown as authorized herein.

Section 5. This ordinance amendment shall be effective January 1, 2010.

Carried: 9 ayes, 0 nays

200911B11

BY COUNCILMAN SZWEJBKA:

BE IT ORDAINED by the City Council of the City of Jamestown as follows:

Section 1. Section 89-8 B (1). of the Code of the City of Jamestown is hereby amended for the listed classifications and fees as follows:

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- (1) For all alarm users with zero to two avoidable alarms during the preceding permit year, no renewal fee shall be charged. The provisions herein shall not be deemed to exempt alarm users connected to the master box fire alarm system of the Jamestown Fire Department with zero avoidable alarms from the annual master box fire alarm fee of \$200.

Section 2. Section 89-8 B (2). of the Code of the City of Jamestown is hereby amended for the listed classifications and fees as follows:

- (2) For all alarm users with three avoidable alarms during the preceding year, a base permit renewal fee of \$50 shall be charged.

Section 3. Section 89-8 B (3). of the Code of the City of Jamestown is hereby amended for the listed classifications and fees as follows:

- (3) For all alarm users with more than three avoidable alarms during the preceding year, a base permit fee of \$50, plus an additional excessive use fee for each avoidable alarm in excess of three shall be charged as follows: for the fourth, fifth, sixth and seventh avoidable alarms, \$60 each; for the eighth, ninth and 10th avoidable alarms, \$100 each; for the 11th, 12th and 13th avoidable alarms, \$125 each; and for every avoidable alarm after the 13th, \$150 each. At the time of renewal, an alarm user shall receive credit for any amounts paid during the permit year to reinstate a revoked permit.

Section 4. Section 89-13. of the Code of the City of Jamestown is hereby amended for the listed classifications and fees as follows:

In addition to any other fees or penalties provided for in this chapter, a violation of § 89-4 of this chapter shall be deemed an offense and shall be punishable by a mandatory fine of not less than \$100 nor more than \$250; provided, however, that no person shall be charged with such offense until the expiration of 15 days after the date of written notice mailed to such person by certified mail that he is required to obtain an alarm user permit, and further provided that no charge shall be filed against a person so notified if he obtains a permit during said fifteen-day period. A person found guilty of violating § 89-4 of this chapter shall not be excused from obtaining the required permit.

Section 5. This ordinance amendment shall be effective January 1, 2010.

Carried: 9 ayes, 0 nays

200911B12

BY COUNCILWOMAN JONES:

BE IT ORDAINED by the City Council of the City of Jamestown as follows:

Section 1. Section 1-2. of the Code of the City of Jamestown is hereby amended for the listed classifications and fees as follows:

§ 1-2. Mandatory court costs.

Whenever pursuant to this Code or any ordinance of the City a violation occurs resulting in the issuance of an appearance ticket by the Building Inspector, the Plumbing Inspector, Fire Inspector or the Electrical Inspector for enforcement by Jamestown City Court, there shall be imposed against each defendant mandatory court costs in the amount of \$50 for each and every appearance which is required in Jamestown City Court by a representative of the City of Jamestown or by the party so cited, except in those cases where the City Court Judge makes a determination that there was no legal basis for the service of the appearance ticket. Said mandatory court costs shall be separate and independent from any fines or penalties imposed elsewhere under this or any other chapter or ordinance of the City Code.

Section 2. Section 224-7. of the Code of the City of Jamestown is hereby amended for the listed classifications and fees as follows:

§ 224-7. Penalties for offenses.

Any person convicted of violating any of the provisions of this chapter shall be guilty of a violation, punishable as follows:

- A. For a first conviction: a fine of not less than \$25 nor more than \$50.
- B. For a second conviction within one year: a fine of not less than \$50 nor more than \$100.
- C. For a third conviction within one year: a fine of not less than \$100 nor more than \$250.
- D. For a fourth and each subsequent conviction within one year: a fine of not less than \$250 nor more than \$500.

Section 3. Section 252-2. of the Code of the City of Jamestown is hereby amended for the listed classifications and fees as follows:

§ 252-2. Application for permit.

B. The Electric Division, Water Division, Sewer Division and District Heating Division of the Board of Public Utilities, National Fuel Gas Distribution Corporation, Windstream, DFT Communications and Time Warner Cable, because of their on-going openings of public streets and sidewalks, shall obtain, on an annual basis, the permit required by § 252-1 of this chapter to cover all excavations made by each respective entity for a period of one year from the date of issuance of such permit. The annual fee for each such permit shall be paid at the time of application therefor in the amount provided in Chapter 175 of the Code. [Added 4-29-1996]

Section 4. Section 252-4. of the Code of the City of Jamestown is hereby amended for the listed classifications and fees as follows:

§ 252-4. Bodies exempt from bonding requirement. [Amended 8-8-1967; 3-21-2005]
A bond or insurance certificate as provided by § 252-3 shall not be required to be furnished, in the discretion of the Director of Public Works, when application for a permit is made by Windstream, DFT Communications, Time Warner Cable, National Fuel Gas,

the Board of Public Utilities or any person employed by the City to perform any of the acts specified by this chapter.

Section 5. Section 275-4. of the Code of the City of Jamestown is hereby amended for the listed classifications and fees as follows:

§ 275-4. Licenses; fees; transfer requirements.

C. The annual license fee for each license issued pursuant to this chapter shall be \$100 plus \$25 for each additional vehicle above one which is covered by the license issued.

Section 6. Section 280-6. of the Code of the City of Jamestown is hereby amended for the listed classifications and fees as follows:

§ 280-6. Permit fees.

A. Fees for permits for any operation involving a public tree shall be based on the estimated cost of the work to be performed at the rate of \$25 for work estimated between \$1,000 and \$10,000 and \$50 for work estimated to exceed \$10,000. Annual permits shall be based on the same formula. No fee shall be required for permits for work estimated to cost less than \$1,000. No fee shall be required for permits obtained by City departments.

Section 7. Section 290-5B. of the Code of the City of Jamestown is hereby amended for the listed classifications and fees as follows:

§ 290-5. Penalties for offenses.

(1) For a first conviction thereof be punished by a fine of not less than \$50 or by imprisonment for not more than 15 days, or by both such fine and imprisonment.

(2) For a conviction of a second violation, both of which were committed within a period of 18 months, such person shall be punished by a fine of not less than \$100 or by imprisonment for not more than 15 days, or by both such fine and imprisonment.

(3) Upon a conviction of a third or subsequent violation, all of which were committed within a period of 18 months, be punished by a fine of not less than \$250 or by imprisonment for not more than 15 days, or by both such fine and imprisonment.

Section 8. Section 290-5C. of the Code of the City of Jamestown is hereby amended for the listed classifications and fees as follows:

(2) For a conviction of a second violation, both of which were committed within a period of 18 months, such person shall be punished by a fine of not less than \$150 nor more than \$250 or by imprisonment of not more than 15 days, or both.

(3) For a conviction of a third or subsequent violation, all of which occurred within a period of 18 months, such person shall be punished by a fine of not less than \$250 nor more than \$450 or by imprisonment for not more than 15 days, or both.

Section 9. Section 290-5D. of the Code of the City of Jamestown is hereby amended for the listed classifications and fees as follows:

(3) Where the court or tribunal records or enters that the speed upon which the conviction was based exceeded the applicable speed limit by more than 30 miles per hour, by a fine of not less than \$120 nor more than \$400 or by imprisonment for not more than 15 days, or by both such fine and imprisonment.

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(4) Notwithstanding the foregoing provisions of this subsection, the maximum fine provided herein for the violation for which the person is sentenced may be increased by an additional \$100 if the conviction is for a second violation of any subsection of this section and both violations were committed within an eighteen-month period, and the maximum fine provided herein for the violation for which the person is sentenced may be increased by an additional \$250 if the conviction is for a third or subsequent violation of any subdivision of this section where all such violations were committed within an eighteen-month period. Where an additional fine is provided by this subsection, a sentence of imprisonment for not more than 15 days may be imposed in place of or in addition to any fine imposed.

Section 10. Section 290-44. of the Code of the City of Jamestown is hereby amended for the listed classifications and fees as follows:

§ 290-44. Penalty for violation of certain sections.

Every person who violates or fails to comply with any of the provisions of §§ 290-35 through 290-43 of this article shall be punished by a fine not exceeding \$250 or by imprisonment not exceeding 15 days, or by both such fine and imprisonment in the discretion of the Judge of the City Court.

Section 11. This ordinance amendment shall be effective January 1, 2010.

Carried: 9 ayes, 0 nays

200911B13

BY COUNCILWOMAN JONES:

RESOLVED, That the Jamestown City Council hereby grants the following organization a Games of Chance (Bell Jar) license for the 2009 calendar year:

Catholic Academy Holy Family School.

Carried: 9 ayes, 0 nays

200911B14

BY COUNCILWOMAN JONES:

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

David Mareri

December 18, 2009 to December 17, 2011

Carried: 9 ayes, 0 nays

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NEW BUSINESS:

200911B15

BY COUNCILMAN DeJOY:

WHEREAS, on December 16, 1996 by resolution 9612A02, the Jamestown City Council authorized the Mayor to enter into an inter-municipal agreement with the County of Chautauqua, amending resolutions 9501A06 and 9510A03 setting forth the terms and conditions for the joint collection and enforcement of all city taxes listed on the tax roll which remained unpaid, including unpaid school taxes and city taxes from previous years, and

WHEREAS, the County of Chautauqua Legislature by resolution 111-09, rescinded County resolution 249-96, terminating the agreement effective January 1, 2010 and authorized the County Executive in accordance with the uniform County-wide policy for the collection and enforcement of real property taxes to enter into a joint tax collection agreement with the Cities of Jamestown and Dunkirk that maintains procedures for the collection and enforcement of real property taxes that are equivalent to those afforded to the towns, villages and school districts outside the two cities, including the guarantee of all taxes, now therefore be it

RESOLVED, that the Mayor be, and he hereby is, authorized and directed to enter into a Property Tax Collection and Enforcement Agreement with the County of Chautauqua that maintains procedures for the collection and enforcement of real property taxes that are equivalent to those procedures afforded to the Towns, Villages and School Districts outside the two cities, including the guarantee of all taxes, subject to the approval of the Corporation counsel as to form.

Carried: 9 ayes, 0 nays

There being no further business, the meeting was adjourned.

James N. Olson
Director of Financial Services/
City Clerk