

May 23, 2016

City Council

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Proceedings by Authority

State of New York  
City of Jamestown           ss:  
City Council Chambers

A meeting of the City Council of the City of Jamestown, New York was held on Monday, May 23, 2016 at 7:30 p.m.

Members Present:     Council Members, Brent Sheldon, Tony Dolce, Vickye James, Maria Jones, Tom Nelson, Kim Ecklund, George Spitale, Marie Carrubba

Members Absent:     Council President Greg Rabb

Others Present:     Mayor Sam Teresi, James N. Olson, Director of Financial Services/City Clerk, Corporation Counsel Marilyn Fiore-Lehman, Director of Public Works Jeff Lehman, Police Chief/Director of Public Safety Harry Snellings, Deputy Fire Chief Chet Harvey, Director of Development Vince DeJoy, Executive Assistant to the Mayor Matt Hanley

Director of Financial Services/ City Clerk, James N. Olson called the meeting to order and led the assembly in the Pledge of Allegiance to the Flag.

The Invocation was given by Rev. Darrell Duffy of St. James Roman Catholic Church.

Councilwoman Ecklund nominated Councilman Dolce to act as President Pro-Tem in the absence of City Council President Greg Rabb.

Councilman Spitale seconded the motion.

Councilwoman Carrubba moved to close the nominations.

Carried: 8 ayes, 0 nays

Councilman Spitale moved to approve the minutes from the April 25, 2016 meeting.

Councilman Dolce welcomed Boy Scout Troop 162 from Kidder Memorial Church and their troop leader Ken See. If you want to stand, welcome. Thank you for coming tonight. I know Council President Rabb who is not here tonight will be sorry that he missed you. He was a Boy Scout himself, so he likes when the Boy Scouts come to the meeting. So thank you for coming tonight.

**MESSAGES FROM THE MAYOR**

**OPPORTUNITIES FOR PERSONS TO ADDRESS THE COUNCIL**

201605A00.01

Mr. Leone: It looks like it will just be me tonight. I thought I had said everything I had to say about the sale of the Sheldon House. It turns out that's not the case and I have no illusions...

Councilman Dolce: Could you give your name and address? Thank you.

Mr. Leone: Paul Leone, 134 Lakeview. Across Falconer Street from the Sheldon House. Sorry. I certainly have no illusions that anything I have to say tonight, anything that I have ever said or anything that I could have said was going to change any sort of vote on authorizing the sale of the Sheldon House.

The reason I'm here, well actually I'm here for two reasons: The one is because I feel conscience-bound to be here as a voice opposing this sale so that in the public record there is an opposition shown so that the entire proceedings aren't back slapping and hand shaking and smiling. From the start, I have always objected to the sale of the Sheldon House to a corporation merely on the merits of the property itself; on the stature of that property. Both the physical stature and the historical stature. Now last week in the council chambers, I was taunted; although I knew this already, that council chambers was not the forum for second-guessing the decision by the Zoning Board. I understand that any further objection, any further challenge to the Zoning Board decision must go through the Supreme Court in Mayville, so I do understand that. And I do feel that I was not listened to at last week's council meeting because what I was only asking – I asked one simple question and that question was: If you seriously believe that the sale of the Sheldon House for conversion to corporate offices is not in the best interest of the house, of the neighborhood and of the city, would you vote not to authorize the sale? There didn't seem to be any interest in that question at all except for Ms. James. And I thank you Ms. James because she expressed a desire to have more information on how the proceedings worked. But that's neither here nor there because the next step in opposition would be through the courts.

I firmly believe that the stature of the house, both physically and historically is diminished by selling it for corporate offices. And I cannot get my head around the judgement that concludes that is not a diminishment. Now the house has been diminished over the last several years through neglect. This would be a further step in that neglect process. And so that is where I'm coming from in my opposition and that is where the larger membership of my organization, LACAP is also coming from.

The other reason why I want to be here is to put into the record some interesting information that I received over the weekend and I would like this to be in the formal record of these proceedings and in the public domain as well. Because the major argument, or one of the major arguments for the granting of the variance has been that well there is nobody here capable of taking that house on as a residence and maintaining it the way it needs to be maintained. Now everybody has received from JCC, and I thank you all for that, a timeline of the way these proceedings have played out. And if you have them before you, you can refer to what I'm about to tell you. If you look down to item number 5 and that is an offer made by a Mr. Joseph McNeal

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from Florida. His original offer was \$225,000.00. Now the information from JCC tells us that that offer was executed, and I'm not sure what that legal jargon means...

Councilman Dolce: Mr. Leone, the five minutes are coming to a close. Can you try and wrap it up?

Mr. Leone: Alright. Okay, if you don't think this is relevant Tony...

Councilman Dolce: I'm not saying it's not relevant. You need to give other people...

Mr. Leone: Well this needs to be heard I think. So let me cut to the chase then. Mr. McNeal called me Friday night. Which meant he had to search for my contact information which meant that somehow he knew that I'm sort of the public face of opposition to this sale. He called me Friday night to tell me that he had increased his bid for the Sheldon House to more than the Lynn Corporation offer. He didn't tell me what the figure was, but that's what he told me. He told me he had placed his bid with Turner Brokers in April. So why it was not executed until after the Zoning Board hearing is up to anyone's imagination. So that's simply what I want to know. I want that to be in the record and I want that to be in the public domain that that offer has been made and that totally destroys the claim that there is a hardship on that property in that there is nobody willing to buy that property for a single-family residence. And there is another that you all know about from California. And so that's what I have to say. Thank you.

Councilman Dolce: Thank you. Is there anyone else that would like to speak to the Council?

201605A00.02

Mr. Hall: My name is Charles Hall. I reside at 211 Lakeview Avenue; a property that I own that has been in my family for 120 years. There are two issues that I'd like to raise, but I also want to point out that my partner represents Lynn Development. I am not here on behalf of Lynn; I am here on behalf of the neighborhood. The two issues are; whether the neighbors are in favor or opposed and whether this would change the character of the neighborhood. The first item, when the Zoning Board sent out notices, they sent out to those within 100' of the property. During the Zoning Board hearing, five of those properties were represented. The only opposition came from Mr. Leone and his wife. In addition, Dr. William Schuver, whose chiropractic office is across Lakeview Avenue from the Sheldon House, wrote a strong letter in favor of the proposed sale to Lynn Development. He has also authorized me to speak on his behalf to say that he is in favor of it as well. Therefore, there is only one of those neighbors who were notified by the Zoning Board who opposes this proposed sale to Lynn Development.

The other is the character of the neighborhood. When I moved in, there were six single-family, owner-occupied residences. There is now one. Mine. One of the buildings has been torn down for a parking lot for the Sheldon House. The three other buildings have now been converted into eight apartments and one chiropractic office. The character of the neighborhood has been wonderful. The college has owned that property for 38 years. They have provided an opportunity for organizations such as Northside Pride and others to have fundraisers at the facility. It has been a wonderful community and neighborhood facility. I believe that if you now

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change it to a single-family home as Mr. Leone urges, you are changing the character of the neighborhood. I urge you to approve the sale of the property as requested by the college to Lynn Development. Thank you.

Councilman Dolce: Thank you.

Mr. Leone: May I respond to a factual error?

Councilman Dolce: Is there anyone else that would like to speak to the Council? You can come up if you'd like.

Mr. Leone: My neighbor Tim, whose last name I don't know who lives next door on Falconer Street to the Sheldon House has also objected to the sale as well as the new owner of the building at 133, which is a three-unit place. So there are not just myself and my wife. There are others within that 100' of the Sheldon House who do object.

Councilman Dolce: Thank you. Is there anyone else who would like to speak to the Council?

201605A00.03

Mr. Duckworth: Good evening Mr. President and members of the Council. I'm Cory Duckworth, I live at 2110 Copper Ridge in Lakewood and serve as the President of Jamestown Community College at 525 Falconer Street. I'm here basically to support and ask the Council to approve this sale. I think it has been mentioned in prior hearings and things that the college has been the keeper of the Sheldon House for the last several decades. Meanwhile, indeed, the property is getting more and more used. It has not been entirely neglected. We have done the best we could under the circumstances to keep that property in a condition that could be utilized and function in the manner that it was intended.

As you know, as a sponsor of Jamestown Community College, we need to have your approval. We have already obtained the approval of Cattaraugus County, one of our sponsors and the Board of Trustees at Jamestown Community College has also approved this sale. This sale has been under contract for some time and since it has been under contract, we have been duty-bound to act in good faith to make sure that we didn't do anything that would be acting in bad faith toward the contract that we had agreed to. And so there have been late offers that have come in and indeed the offer that was referred to by Mr. Leone came in and actually came to our office today; early this morning. The value was \$100.00 more than what Lynn Development had provided and some question he had about the contingencies associated with it because on the face of the contract there seems to be a contradiction.

So in any case, we have not been considering those late offers; they are being held in abeyance if for any reason we're not successful moving forward, we would at that point begin to look at offers that have been put on hold essentially, until such time as we would need to look at them. So we believe that our board has acted with great diligence to evaluate the offers that came in at the time that they came in. There were two offers that came in early on. Both of them had time constraints placed on them. The reason that we moved quickly to begin working with one of those offers was because we didn't want those time contingencies to fail. As you mentioned, the board was very concerned that the property be moved onto a new owner that would be sure to

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protect it and preserve it with some hope that it would continue to have significant community value, as an asset for the community since it has become that over the years.

While we had no idea who might step up to that, we were certainly grateful that the Lynn Development group came forward; a reputable firm here in the area that has made substantial contributions to the Jamestown community and has a strong track record for rehabilitating properties in meaningful ways in order to benefit the community. And to do that at a market price that was acceptable to our Board of Trustees was an important part of this transaction. There are significant repairs that will need to happen and not just any owner will be in a position to take on that responsibility and to do it in any kind of reasonable time frame. The board evaluated this offer, felt like it was a good offer to a good buyer who would protect and preserve the property in the way that the board had hoped that it might be protected and preserved and that offer is here before you at this time. Time is somewhat of the essence for us because we need to take this, after it goes to the county on Wednesday evening, then we need to take it to the SUNY Board of Trustees and their last meeting for the summer occurs in June, so we're hopeful that we'll be able to reach that conclusion tonight and be able to move the property forward so that we can do what we feel is in the best interest of JCC as well as the community. Thank you.

Councilman Dolce: Thank you. Is there anyone else that would like to speak before the Council tonight? Seeing none, we'll move on to the presentation of petitions and communications. We do have a letter that the clerk will read from Council President Greg Rabb in regards to the sale of the Sheldon House.

### **PRESENTATION OF PETITIONS AND COMMUNICATIONS**

201506A00.04

Dear friends and colleagues,

I can't be at the voting session on Monday, May 23 as I will be out of town, but I strongly urge my fellow councilmembers to approve the resolution from the Finance Committee in support of JCC selling the Sheldon House to the Lynn Corporation.

I come to this decision after much thought and consideration and only yesterday and today, have I taken a public stand on the issue after doing my best to listen to all sides on the issue and after delaying consideration of the resolution by the city council by one week to give everyone an opportunity to speak.

I am a neighbor of the Sheldon House as a Lakeview Avenue resident and have been a faculty member of JCC for thirty years as of the end of this academic year. My heart is in the city, the neighborhood and the college. Like so many I have fond memories of events taking place at the Sheldon House including the wedding of one of my nephews. Early in the process I met with the college and urged them to keep the Sheldon House. I went to and listened to the arguments made at the zoning board. I met with the consultant retained by the college. Many of my neighbors are in favor of the sale and many oppose it and I plan to continue to live on Lakeview Avenue, working with my neighbors to continue the improvements of the recent past to make our neighborhood an even better place. I am convinced that selling the house to Lynn will be another step in the right direction to improve our neighborhood. I also know that others disagree, but my mind tells me that this is the right thing to do. We were lucky to make decisions and so I am urging a yes vote after complete and careful consideration.

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Signed,  
Greg Rabb, President, Jamestown City Council.

**STANDING COMMITTEES**

**FINANCE COMMITTEE**

201605A01

BY COUNCILWOMAN ECKLUND:

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 \$4,939,971.82 in accordance with the period ending May 22, 2016, copy of which is annexed hereto and a copy to be filed in the office of the City Clerk, and be it further

RESOLVED, That disbursements in the total amount of \$3,673,192.77 and payrolls in the total amount of \$1,266,779.05 as paid by the Comptroller and Director of Financial Services, a copy of which is annexed hereto and a copy to be placed on file in the office of the City Clerk be and hereby are approved.

Carried: 8 – 0

201605A02

BY COUNCILWOMAN ECKLUND:

RESOLVED, That warrants be drawn and paid to the respective owners and paying agents the sum of Twenty-Seven Thousand, Three Hundred Sixty-Eight Dollars and Seventy-Five Cents (\$27,368.75) in accordance with the bond requirements as follows:

**Various Purpose Bonds**, issue of February 15, 2006, Twenty-Five Thousand Dollars (\$25,000.00) of principal and Two Thousand, Three Hundred Sixty-Eight Dollars and Seventy-Five cents (\$2,368.75) for six months interest at 3.75% per annum on One Hundred Twenty Thousand Dollars (\$120,000.00).

Carried: 8 – 0

201605A03

BY COUNCILWOMAN ECKLUND:

RESOLVED, That warrants be drawn and paid to the respective owners and paying agents the sum of three thousand nine hundred dollars (\$3,900.00) in accordance with the bond and note requirements as follows:

**Public Improvement Bonds**, Series A, issue of March 9, 2006, Three Thousand Nine Hundred dollars (\$3,900.00) for six months interest at 4.00% per annum on One Hundred Ninety-Five Thousand Dollars (\$195,000.00).

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Note: Refunding of 1999B (partial) issue. Interest savings \$1,600.00 for this payment.

Carried: 8 – 0

201605A04

BY COUNCILWOMAN ECKLUND:

RESOLVED, That warrants be drawn and paid to the respective owners and paying agents the sum of Three Hundred Fifty-Nine Thousand, One Hundred Sixty-Two Dollars and Fifty cents (\$359,162.50) in accordance with the bond and note requirements as follows:

**Public Improvement Bonds**, Series A, issue of June 15, 2010, Two Hundred Eighty-Five Thousand Dollars (\$285,000.00) principal and Seventy-Four Thousand, One Hundred Sixty-Two Dollars and Fifty Cents (\$74,162.50) for six months interest at 4.25% per annum on Three Million Four Hundred Ninety Thousand Dollars (\$3,490,000.00).

Carried: 8 – 0

201605A05

BY COUNCILWOMAN ECKLUND:

RESOLVED, That warrants be drawn and paid to the respective owners and paying agents the sum of Three Hundred Three Thousand Eighty-Seven Dollars and Fifty Cents (\$303,087.50) in accordance with the bond and note requirements as follows:

**Public Improvement Bonds Series A**, issue of June 1, 2011, Two Hundred Forty Thousand Dollars (\$240,000.00) principal and Sixty-Three Thousand Eighty-Seven Dollars and Fifty Cents (\$63,087.50) for six months interest at 3.50% per annum on Three Million Two Hundred Fifteen Thousand Dollars (\$3,215,000).

Carried: 8 – 0

201605A06

BY COUNCILWOMAN ECKLUND:

RESOLVED, that the Mayor and Deputy Fire Chief be, and they hereby are authorized to enter into a purchase agreement with Performance Advantage Company, Inc. 10 Central Avenue, Lancaster, NY 14086 for mounting hardware in an amount not to exceed Two Hundred Twenty-One Dollars and Seventy-Four Cents (\$221.74) in accordance with funding received by the Department of Homeland Security Assistance to Firefighters Grant Program.

Carried: 8 – 0

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201605A07

BY COUNCILWOMAN ECKLUND:

RESOLVED, that the Mayor and Deputy Fire Chief be, and they hereby are authorized to enter into a purchase agreement with Industrial Metal Finishing, Inc., 29 Stafford Street, Jamestown, NY 14701 for Power Coat finishing services in an amount not to exceed Three Hundred Dollars (\$300.00) in accordance with funding received by the Department of Homeland Security Assistance to Firefighters Grant Program.

Carried: 8 – 0

201605A08

BY COUNCILWOMAN ECKLUND:

RESOLVED, that the Mayor and Deputy Fire Chief be, and they hereby are authorized to enter into a purchase agreement with Williams Fabricating, 270 Steele Street, Jamestown, NY 14701 for a custom vehicle toolbox in an amount not to exceed One Thousand, Five Hundred Dollars (\$1,500.00) in accordance with funding received by the Department of Homeland Security Assistance to Firefighters Grant Program subject to the approval of the Corporation Counsel as to form.

Ms. Ecklund: I just want to note that resolutions 6,7 and 8 will end this grant with the Firefighters Assistance Program and I want to thank the federal government and the city for being able to purchase some of these tools we couldn't otherwise do with the assistance.

Carried: 8 – 0

201605A09

BY COUNCILWOMAN ECKLUND:

RESOLVED, that the Mayor and Deputy Fire Chief be, and they hereby are authorized to enter into a purchase agreement with End of the Road Inc., 2212 Dorch Avenue, Nashville, TN 37210 for mounting hardware in an amount not to exceed One Hundred Twenty-Three Dollars and Forty Cents (\$123.40) in accordance with funding received by the Department of Homeland Security Assistance to Firefighters Grant Program.

Carried: 8 – 0

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201605A10

BY COUNCILWOMAN ECKLUND:

WHEREAS, the County of Chautauqua heretofore applied for State funding under the New York State Division of Criminal Justices Services GIVE Grant Program for 2016 and,

WHEREAS, the County's application has been approved and a portion of the grant funds must be shared with the City of Jamestown Police Department, now therefore be it

RESOLVED, that the Mayor and Police Chief/Director of Public Safety be and they hereby are authorized to participate in GIVE in the amount of thirty-three thousand three hundred ninety-five dollars (\$33,395) for the period July 1, 2016 through June 30, 2017 provided by the State of New York.

Carried: 8 – 0

201605A11

BY COUNCILWOMAN JONES:

RESOLVED, That Assessment Clerk, Lisa Volpe be and she hereby is authorized to attend the New York State Office of Real Property Tax Service training to be held in Batavia, New York on May 19-20, 2016 with expenses paid pursuant to Section 77-b of the General Municipal Law.

Note: The town of Ellicott will absorb 50% of the cost.

Carried: 8 – 0

201605A12

BY COUNCILWOMAN ECKLUND:

RESOLVED, That Police Officer Jay Wadsworth be and he hereby is authorized to attend the Progressive FORCE Concepts defensive tactics training in Las Vegas, Nevada, July 18-29, 2016 with expenses paid pursuant to Section 77-b of the General Municipal Laws of the State of New York.

Note: Progressive FORCE Concepts will waive the costs of meals, lodging and registration.

Ms. Ecklund: I want to add and again, thank Progressive FORCE Concepts because they are waiving the cost of the meals, lodging and registration in order for Officer Wadsworth to attend this.

Carried: 8 – 0

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201605A13

BY COUNCILWOMAN ECKLUND:

RESOLVED, That Police Chief/Director of Public Safety Harry Snellings be and he hereby is authorized to attend the New York Association of Chiefs of Police Conference in Buffalo, New York, July 10-13, 2016 with expenses paid pursuant to Section 77-b of the General Municipal Laws of the State of New York.

Carried: 8 – 0

201605A14

BY COUNCILWOMAN ECKLUND:

RESOLVED, That Police Chief/Director of Public Safety Harry Snellings, Police Captain Robert Samuelson, Deputy Fire Chief Chet Harvey, Battalion Chief Sam Salemme, Corporation Counsel Marilyn Fiore-Lehman and Director of Public Works Jeff Lehman be and they hereby are authorized to attend the New York State Public Employer Labor Relations Association Annual Training Conference to be held in Saratoga Springs, New York on July 19-22, 2016, with expenses paid pursuant to Section 77-b of the General Municipal Law.

Carried: 8 – 0

201605A15

BY COUNCILWOMAN ECKLUND:

RESOLVED, That Mark Schlemmer, P.E., Senior Civil Engineer be and he hereby is authorized to attend the 2016 Highway School, June 5-8, 2016 in Ithaca, New York with expenses paid pursuant to Section 77-b of the General Municipal Law.

Carried: 8 – 0

201605A16

BY COUNCILWOMAN ECKLUND:

RESOLVED, That the City Comptroller be and he hereby is authorized to make the following amendment to the 2016 General Fund Budget to recognize a net increase of Ninety Five Thousand, Nine Hundred Fifty Five Dollars (\$95,955.00) in Consolidated Local Street and Highway Improvement Program (CHIPS) Funding included in the adopted 2015-2016 New York State budget as follows:

INCREASE:	Appropriations	\$95,955.00
	CHIPS – Capital	

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H.9551.0500

INCREASE: Estimated Revenues \$95,955.00  
State Highway Aid  
A.0000.3501

Carried: 8 – 0

201605A17

BY COUNCILWOMAN ECKLUND:

WHEREAS, the Fenton Historical Society of Jamestown, N.Y., Inc. is applying to the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) for a grant under the Environmental Protection Fund for a park project to be located at 67 Washington St., Jamestown, N.Y., a site located within the territorial jurisdiction of this Council; and

WHEREAS, as a requirement under the rules of this program, said not-for profit corporation must obtain the "approval/endorsement of the governing body of the municipality in which the project will be located", now therefore be it

RESOLVED, that the City Council of the City of Jamestown, N.Y. hereby does approve and endorse the application of the Fenton Historical Society of Jamestown, N.Y., Inc. for a grant under the Environmental Protection Fund for a park project known as The Fenton Mansion 1880/ADA Compliance Project and located within this community, and be it further

RESOLVED that, should the Fenton Historical Society of Jamestown, N.Y., Inc. be unable to do so, said property shall be forever maintained by Jamestown, N.Y. as a municipal park in this community consistent with the rules promulgated by OPRHP.

201605A18

BY COUNCILWOMAN ECKLUND:

WHEREAS, as part of Governor Andrew Cuomo's Regional Economic Development Councils, the Downtown Revitalization Initiative (DRI) that is to be administered by the New York Department of State is an opportunity for one downtown from each of the ten (10) regional economic development councils to be nominated by their respective council for the award for which the submission must come from the respective municipal government entity; and

WHEREAS, in conjunction with the Downtown Revitalization Initiative process, up to \$10 million in each of 10 communities will be made available to aid in the transformation of communities toward the reinforcement of workforce infrastructure and employment. The initiative will place emphasis on the reinvestment of public and private funds into the downtown neighborhoods and surrounding areas; and

WHEREAS, the Jamestown Urban Renewal Agency has prepared for submission on or before June 3rd 2016, the Downtown Revitalization Initiative application for the City of Jamestown, as part of a collaborative community-wide stakeholder effort for said grant application that will outline strategies for waterfront activation, adaptive re-use development

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projects, streetscape redesign, site acquisition and preparation for development, and traffic calming; and

WHEREAS, said application is consistent with and in support of the City of Jamestown's Comprehensive Plan (1998), and other studies regarding riverfront development and its importance to downtown redevelopment including the Downtown Jamestown Community Redevelopment Plan (2001) and City of Jamestown Urban Design Plan (2006); now therefore be it

RESOLVED, that the City Council is in full support for the submission to the WNY Regional Economic Development Council an application for the 2016 Downtown Revitalization Initiative for the revitalization of Jamestown's Downtown area and stimulation of the community's workforce with comprehensive community involvement in the planning and implementation process should the City of Jamestown be nominated and awarded; and be it further

RESOLVED, that the City Council hereby authorizes the Mayor to execute all necessary documents with The New York State Regional Economic Development Councils and The New York State Department of State, should the City of Jamestown be successful in securing funding for said downtown revitalization efforts.

Carried: 8 – 0

201605A19

BY COUNCILWOMAN ECKLUND:

RESOLVED, That the claim No. 5 of 2012 be and hereby is allowed in the amount of Seventy-Five Thousand Dollars (\$75,000.00), with Fifty Thousand Dollars (\$50,000.00) to be paid by City of Jamestown and Twenty-Five Thousand Dollars (\$25,000.00) to be paid by New York Municipal Insurance Reciprocal (NYMIR) to Eric Dahlgren, 27 Anderson Street, Jamestown, New York, 14701.

Carried: 8 – 0

201605A20

BY COUNCILWOMAN ECKLUND:

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

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

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WHEREAS, in conjunction with an extensive public input process conducted by the City of Jamestown's Department of Development, the staff has developed a draft FY 2016 Annual Action Plan which includes proposed housing, neighborhood, community, and economic development activities to be funded with \$1,049,753 through the 2016 CDBG allocation and \$256,666 through the 2016 HOME allocation, for a total of \$1,306,419; and

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

WHEREAS, in addition to the extensive, informal, public input process conducted by the Department of Development, two (2) required public hearings were held on March 12, 2016, and March 17, 2016, for the purpose of obtaining citizen input regarding the FY 2016 Annual Action Plan and the specific CDBG and HOME activities to be contained therein; and

WHEREAS, the draft FY 2016 Annual Action Plan has been available for public review for a minimum of 30 days as required by U.S. Department of Housing and Urban Development (HUD) regulations; and

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

RESOLVED, that the Mayor be and is hereby authorized and directed to submit the draft FY 2016 Annual Action Plan, including the specific CDBG and HOME activities contained therein, to the U.S. Department of Housing and Urban Development; and be it further

RESOLVED; that the specific CDBG and HOME activities contained within the FY 2016 Annual Action Plan will be comprised of the list hereto attached.

The City of Jamestown's proposed FY 2016 Community Home Development Block Grant (CDBG) and HOME Annual Action Plan is summarized as follows:

**FY 2016 Community Development Block Grant and HOME Programs**

**Summary of FY 2016 CDBG Activities:**

**Proposed Low-Moderate Benefit Activities = 87.6% of Active Funds:**

<u>Activity</u>	<u>Amount</u>
A.D.A. Improvements—Public Facilities	\$150,000
Neighborhood Target Area Infrastructure Improvement Program	\$219,802
Neighborhood Target Area Demolition Program	\$95,000
Owner Occupied Emergency Repair Program	\$30,000
Downtown Handicapped Accessibility Improvement Program	\$90,000
Neighborhood Target Area Rental Rehabilitation	\$100,000
Target Area Code Enforcement Officer	\$55,000
<b>SUBTOTAL (Low-Moderate Benefit Activities)</b>	<b><u>\$739,802</u></b>

**Proposed Slums and Blight Activities = 12.4% of Active Funds**

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<u>Activity</u>	<u>Amount</u>
Downtown Greenlining Façade Improvement program	\$100,000
Planning and Technical Assistance	\$5,000
SUBTOTAL (Slums & Blight Program)	<u>\$105,000</u>
Administration/Program Delivery	<u>\$204,951</u>
<b>TOTAL (CDBG Program)</b>	<b><u>\$1,049,753</u></b>

**Summary of FY 2016 HOME Program Activities:**

<u>Activity</u>	<u>Amount</u>
Citywide-Owner Occupied Rehabilitation	\$192,614
CHDO Set-Aside (15%)	\$38,500
Administration/Program Delivery	<u>\$25,552</u>
<b>TOTAL (HOME) Program</b>	<b><u>\$256,666</u></b>

Carried: 8 – 0

201605A21

BY COUNCILWOMAN ECKLUND:

WHEREAS, pursuant to Article 126 of New York State Education Law, the City of Jamestown is one of three municipal sponsors along with the County of Chautauqua and County of Cattaraugus that constitute a “community college region” which acts as the local sponsor of Jamestown Community College (JCC); and

WHEREAS, Jamestown Community College (JCC) currently owns property located at 7 Falconer Street in the City of Jamestown known as the “Sheldon House,” which was donated to JCC in 1977 and was utilized for programs and events of both the College and the community; and

WHEREAS, the Sheldon House property consists of a house, detached garage, and carriage house containing a total of approximately 9,461 square feet of space on 1.05 acres of land designated on the Chautauqua County Tax Map as Tax Parcel Numbers 370.19-8-37, 38 & 39; and

WHEREAS, due to the Sheldon House’s isolated location a distance of 1.4 miles from the rest of the Jamestown campus of JCC, and due to the magnitude of the financial commitment for maintaining the Sheldon House, including imminent significant maintenance issues, the Sheldon House property is no longer useful or required for community college purposes by JCC, and no longer fits the mission of JCC; and

WHEREAS, the sale of the property provides the opportunity to reduce operating costs of the College; now therefore be it

RESOLVED, that the Jamestown City Council hereby finds that the Sheldon House property is no longer useful or required for community college purposes by JCC; and be it further

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RESOLVED, that pursuant to 8 NYCRR § 603.5(d), the Jamestown City Council authorizes JCC to effectuate the sale of the Sheldon House property and a portion of its contents to Lynn Development, Inc., at a sales price of \$250,000.00, not including closing and other related costs, with the foregoing dependent on SUNY Board of Trustee approval.

Ms. Ecklund: I just want to mention a couple of things that have been stated and sometimes stated incorrectly. First of all, it's not the Council's role, as you stated Mr. Leone, to act or to re-litigate the decision of the Zoning Board. Second of all, the college has spent multiple years observing the changes at the Sheldon House and multiple years in contract trying to come up with a proposal for the future and hiring a consultant and all of these things brought forth the contract by the Lynn Development group. And we, as a Council, it's not our job to micro-manage the Board of Trustees nor any decision they make. So the fact that they spent multiple years, they followed the letter of the law, they did what they were supposed to. It's our job now to either vote this up or down.

Mr. Leone: May I respond to that?

Councilman Dolce: Not at this point. At the end. The public comment is done.

Councilman Spitale: You're out of order.

Councilwoman Ecklund: But the other major important fact is that in order for anything to go to the SUNY Board of Trustees, there can be no contingencies. The contract in front of us that we are voting on with the Lynn Development group comes with no contingencies and will flow through the process the way it's supposed to. I fully support this resolution. I support the recommendation through the college and the process they followed through the Zoning Board of Appeals. It passed there and we certainly discussed this, reiterated it, read the documents which I appreciate the college sending to us over and over, every detail I've asked of you, you've responded to. I appreciate that and I fully support this motion and hope the rest of this Council can do it so we can move forward and get that building back to the historical landmark that it is.

Councilman Dolce: Thank you. Anyone else? At this time, I would like to make some comments so I would like to pass the gavel to Councilwoman Ecklund.

Councilwoman Ecklund assumed the chair.

Councilman Dolce: I just want to take this opportunity to make a few comments in regards to the sale of the Sheldon House to the Lynn Development group. As the elected representative of the historic Lakeview Ward, I want to first thank Mr. Leone and the other residents who have come forward to voice their opinions and their concerns. We have listened and we do listen and we will continue to listen to the concerns of our constituents.

I've had the privilege over the years of working with two outstanding neighborhood groups in our district; Northside Pride and Lakeview Avenue Community Action Project. Both of these groups have and continue to work tirelessly to improve their neighborhoods. I've listened to all sides of the issue and certainly can understand and appreciate their fears and

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concerns and especially when it comes in regard to a variance that they feel was not adequately done.

I do want to also thank JCC and their representatives for all of their efforts in being outstanding stewards and caretakers of this historic property for nearly forty years. I want to also thank them for including me in the process for the transfer and sale of the Sheldon House. It is clear that they have gone to great lengths to ensure the best possible outcome for the Sheldon House, the college, the neighborhood and the City of Jamestown. I want to echo Council President Rabb's comments in support of the sale to the Lynn group as well as the comments that Councilwoman Ecklund just stated. I believe JCC went through a very extensive, open and thorough process which led their Board of Directors to award the contract for sale to the Lynn group based on many deliberate and detailed factors.

The Lynn group has a long successful history in our community and I believe they have the desire and the resources to completely renovate and restore this historic property to its glory. The Sheldon House is and has been a community building and I believe that they will be able to carry on as good stewards and neighbors, ensuring the long-term viability of the property as a community asset.

While I recognize the concerns and opposition from some of the neighbors, I am committed to working with them, as well as the Lynn group to continue the mission of improving the Lakeview Avenue area and the entire north side in the City of Jamestown. I encourage my colleagues to support the resolution for the sale to the Lynn group. Thank you.

Councilman Dolce reassumed the chair.

Councilwoman Carrubba: Not to belabor it, but I would concur with Chuck Hall's comments as well as Councilwoman Ecklund and Council President Rabb and Councilman Dolce. A lot of time has been spent on this. I believe everyone has kept an open mind on the whole project, but this has been a long process. It has not been undertaken lightly and I think, again, as the Council has already stated, the college made a decision that they felt would be best for the neighborhood and understanding the needs of the house and the repairs that will need to be undertaken shortly, felt that the Lynn group was in the best position to undertake this and keep the home available to the public in a manner that has been used for the past probably twenty or thirty years. So again, I would agree and support what has been already said; that this was not undertaken lightly. I hope you'll support the sale.

Carried: 8 – 0

201605A22

BY COUNCILWOMAN ECKLUND:

RESOLVED, that the Mayor of the City of Jamestown be and he hereby is authorized to enter into an agreement with MunicPay, 22 Free Street – Suite 403, Portland, ME 04101 for Credit Card and Electronic Check services subject to the approval of the Corporation Counsel as to form.

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Councilwoman Ecklund: I just want to note that this is another great opportunity for our constituents and our customers to come to city hall and be able to pay for multiple services and permits and licenses here via a credit card versus cash or check only. I think this will improve customer relations and thank you Mr. Olson for arranging for this agreement.

Carried: 8 – 0

201605A23

BY COUNCILWOMAN ECKLUND:

RESOLVED, That the Mayor of the City of Jamestown be and he hereby is authorized to enter into an agreement with HM Life Insurance Company of New York, placed through Premier consulting Associates, LLC, 1416 Sweet Home Road, Amherst, New York 14228, for a specific excess stop-loss insurance policy for the period June 1, 2016 through May 31, 2017 in the amount of one hundred seventy-five thousand dollars (\$175,000.00) for specific deductible, annual unlimited maximum reimbursement, at a cost of Forty-Seven Dollars and fifty cents (\$47.50) per covered participant, per month, subject to the approval of the Corporation Counsel as to form.

Carried: 8 – 0

**PUBLIC WORKS COMMITTEE**

201605A24

BY COUNCILMAN SPITALE:

RESOLVED, That the bid submitted by S. Tabone Construction Co., Inc., 3712 Straight Rd., Fredonia, NY 14063 for Concrete Work: Street Reconstruction 2016, Newland Ave. – Phase 2, based on the bid opened May 11, 2016, in the following amounts, be and the same hereby is accepted:

6000 SF Flat Work: 4 inch at \$5.75 SF  
1650 SF Flat Work: 6 inch at \$6.45 SF  
250 SF Flat Work: 8 inch – High Early Strength at \$7.50 SF  
1550 LF Standard 18" Curb & Gutter at \$25.00 LF  
170 LF Steps at \$60.00 LF  
6 EA Steps Hand Railing at \$450.00 EA  
10 SY Asphalt Shims at \$45.00 SY  
20 SY Asphalt Pavement: Min 5" depth at \$45.00 SY  
25 EA Core Drill: 4 inch diameter with 20' of 4" drain pipe at \$125.00 EA  
100 TON Additional Stone at \$ 20.00 TON  
10 CY Additional Excavation: \$ 1.00 CY  
80 SF Detectable warning surface for ADA Accessible Curb Cuts at \$25.00 SF

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for a total bid amount of One Hundred Seven Thousand One Hundred Fifty-Two Dollars and Fifty Cents (\$107,152.50), this being the lower of two bids received meeting qualifications, and be it further.

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

Carried: 8 – 0

201605A25

BY COUNCILMAN NELSON:

RESOLVED, That the bid submitted by Donegal Construction Corporation, 1235 Marguerite Lake Road, Greensburg, PA 15601 for 2016 Milling Machine, based on the bid opened by Cattaraugus County Department of Public Works on February 9, 2016, in the following amounts, be and the same hereby is accepted:

7 Foot Wide Milling Machine at \$4450.00/day for an estimate of 7 days

for a total bid amount not to exceed Four Thousand, Four Hundred Fifty Dollars (\$4,450.00) per day for an estimate of 7 days, by “piggybacking” off 2016 Cattaraugus County Milling Bid and be it further

RESOLVED, That the Mayor be and he hereby is authorized to execute an agreement with Donegal Construction Corporation, which said agreement will reflect services to be performed by Donegal Construction Corporation, at the price reflected above. Said agreement to be subject to approval as to form by the office of the Corporation Counsel.

Carried: 8 – 0

**PUBLIC SAFETY COMMITTEE**

201605A26

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 E. Wilfong

June 24, 2016 to June 23, 2018

Carried: 8 – 0

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**NEW BUSINESS**

201605A27

BY COUNCILMAN SHELDON:

RESOLVED, That the Mayor be and he hereby is authorized to execute all necessary documents to donate Temporary Use Areas (as shown on Maps 9, 11, and 13; Parcels 9, 11, and 13) and Permanent Use Areas (as shown on Maps 10, 12, and 14; Parcels 10, 12, and 14) to Chautauqua County, PIN 5761.00 for construction, reconstruction, and maintenance of the South Main Street Bridge over the Chadakoin River. Said agreement subject to the approval of the Corporation Counsel as to form.

Carried: 8 – 0

Councilman Dolce: Just a quick reminder that a week from today is Memorial Day. We have the parade at 10:00. I'm sure the Mayor and many of us will be marching in there. We'll meet at the usual spot. And again, we want to thank our Boy Scout troop for coming today. Through all those resolutions, it's a lot tonight. We spent a lot of money.

There being no further business, the meeting was adjourned.

James N. Olson  
Director of Financial Services/City Clerk