

February 27, 2017

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, February 27, 2017 at 7:30 p.m.

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

Members Absent:

Others Present:       Mayor Samuel 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

City Council President Greg Rabb called the meeting to order and led the assembly in the Pledge of Allegiance to the Flag.

The Invocation was given by Rev. Jim Read of the Bethel Baptist Church.

Councilwoman Carrubba moved to approve the minutes from the January 30, 2017 meeting.

**OPPORTUNITIES FOR PERSONS TO ADDRESS THE COUNCIL**

201702A00.01

Anthony Tota:                Good evening. My name is Anthony Tota and I live in the City of Jamestown. At present, I'm kind of transient because I sold my house.

Council President Rabb:     Can you give us your home address?

Mr. Tota:                    Right now, I have a post office box of 1088 in the City of Jamestown.

Council President Rabb:     Well that's not a home address. I need a home address.

Mr. Tota:                    144 Clifton. I really don't have a home address. I'm in between houses, residences. I stay with my sister at times and I stay with a friend very often on 138 Maple Street.

Council President Rabb:     Okay. Thank you.

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Mr. Tota: First thing I'd like to say is if the council would permit me, I'd like to give some pictures to the council, but I understand I have to have permission for that. I've got about ten pictures here.

Council President Rabb: Are you leaving them with us?

Mr. Tota: Yes.

Council President Rabb: You're welcome to leave them with us.

Mr. Tota: Yes I am. I have copies for myself. If the council would note, those pictures are mainly from, almost exclusively from problems that I've had with traffic. Including, the heart of that is bright lights. Now, I've been here complaining about traffic for I don't know how many years. Those claims have gone unheard by the Mayor, by the Chief of Police. I continue to claim, and I will continue to complain until there is a resolution to this issue. I want to address the issue that I have with Mr. Spitale and I'm not sure what his response was from last week, last month, but from my understanding, and George you can clear that up when you have your opportunity to respond, that you were saying that where you live you haven't had an issue with traffic for about 30 years. I believe that's the crux of what I – the understanding that I got. Well, first I'd like to say that Mr. Spitale doesn't live near me. There are varying conditions all over the city. There is one constant though. Wherever I am, it is noisy. It is noisy 24/7. Prior to coming to this meeting, on Ahrens Street where I happen to be staying right now, car after car with loud exhaust going across on Maple, up and down Ahrens. This problem persists. This problem is deliberate over a period of twenty years that's really a logical conclusion to come to. Now I've been to the city council and even spoken with the Mayor's office and now Mr. Spitale won't respond to my calls so that's about 100%. I don't get response from my complaints from Sheriff Gerace on the County level, from the Mayor, Mayor Teresi, on the city level, from the Chief of Police, Snellings, who hasn't responded to my call in approximately two years and now Mr. Spitale. Now, Mr. Spitale was sympathetic to my issues when I was on 48 Sherman Street and he actually agreed with the fact that it was a high traffic area in contrast to Mr. Snellings' belief that it was not a high traffic area. He invited me to go to the work session for the Public Safety Committee and that was the end of my support from Mr. Spitale. Now, at the last meeting, Mr. Spitale has introduced a baseless argument because he's not in the specific area that I am in and what is the reason for your argument, Mr. Spitale? Are you protecting Chief Snellings? You told me in years past you have respect for him because he was a veteran and he was in the Gulf War. As I have respect for all veterans that are in the Gulf War, but that has nothing to do with my complaint and nothing to do with unwarranted negligence of Chief Snellings in this issue. And now, I don't get support from my councilman.

Council President Rabb: Mr. Tota, I have to interrupt you. You can't make allegations about the Police Chief and -

Mr. Tota: I'm not making allegations. I'm –

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Council President Rabb: You just did with wan negligence. I can't allow you to do that. Could you tell us what you want us to do and also can I ask you, did you go to the Public Safety Committee with your concerns?

Mr. Tota: Yes, I have. As the Chief can verify, I've talked with the Chief probably...

Council President Rabb: No, the Public Safety Committee of the Council?

Mr. Tota: Yes. I have. I stated that. I went there years ago, with the same issues that I'm presenting now. And I'm not getting – and that's my complaint – I'm not getting any response from the Jamestown Police. Now when I leave my house and happen to be driving, immediately I am followed by a vehicle at night that gives me the same type of bright lights that illuminate the inside of my car and present a hazard for me when I'm driving. A hazard for the passengers in my vehicle. This is something that those pictures will verify as a regular occurrence in my life. If I can take those pictures over a period of time and I can tell you they will verify that I'm telling you that that happens more regularly than even those pictures happen. My life is being placed in jeopardy because irresponsible people who are allowed to ride roughshod all over the city because Chief Snellings will not answer my complaints. He fails to -

Council President Rabb: Mr. Tota, I'm sorry to interrupt you, but you get five minutes and the five minutes are up.

Mr. Tota: Okay well thank you very much and maybe Mr. Spitale can respond to what I said.

201702A00.02

Christopher Gardner: My name is Chris Gardner. I live at 24 Woodlawn Avenue in the City of Jamestown. This is not about what I spoke with the council about upstairs. This is about what this gentleman was talking about, perhaps to a lesser degree. I noticed it said in the paper recently, that the public response on the miniature version of the Buffalo Billion that Jamestown got from the state, I guess it is the Jamestown Million. Some of that money be used to invest in police cars. As the Police Department does not have, really, a sufficient number of cars to patrol the city. There seems to be a certain amount of resistance from certain employees who are kind of ingrained into the city who are making a lot of money, more than anybody in this room. We got much resistance from a certain individual. When we finally got the 4-way stop sign put in; down at the corner of James and Falconer Street, in the city. I went five times to the traffic and safety council with four petitions, each containing five hundred names, asking for a stop sign at that corner. Finally, after about a year and a humungous accident that occurred down there, the stop signs were put up. I think Dr. Ney and the Safety Council played a major part, as well as Officer Shay at the Jamestown Police Department who basically pointed me in the right direction and got things going. So, there's a lot to be had from working directly with the people who work in the various departments, who are very willing to cooperate with the citizenry. That's all. Thank you.

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Council President Rabb: Thank you. Is there anyone else who would like to address the council this evening?

Police Chief/Director of Public Safety Harry Snellings: Mr. Rabb, may I respond to Mr. Tota's claims?

Council President Rabb: Of course, Mr. Snellings.

Chief Snellings: Okay. Mr. Tota claims that we've done nothing for him. I'll state exactly what we've done for Mr. Tota. I haven't returned his calls, he clearly knows that. I've explained to him why I don't take his calls anymore. We've had this conversation numerous times. His expectations and his requests are unrealistic. He expects us to have someone posted in his neighborhood. He's asked to do a traffic control point in his neighborhood. We're not going to do that. He expects, during certain periods of time, that we stop doing what we do to answer his loud muffler complaints. In 2014, we responded to his home 150 times; we sent an officer. In 2015, it was 98 times. In 2016, it was 125 times. This year, so far, 15 times; all for loud mufflers. I've assigned my traffic officer to do periodic details in his neighborhood. From July to December of last year, he did 17 different details for a minimum of a half hour each time, in his neighborhood at different times during the day and of those 17 details, he wrote two tickets. Last year, we stopped over 4,000 cars. We wrote 2,792 tickets. Of those 2,792 tickets, 57 of them were mufflers. We've also set up the speed trailer in there and we continue to send an officer every time Mr. Tota calls. Mr. Tota has refused to speak to our officers when they've responded to his residence to actually talk to him. He's made numerous complaints. His latest complaints are, as he stated, he believes somebody is following him around the city intentionally with their high beams on and his last message to me was that Sheriff Gerace and I are engaged in some kind of conspiracy with the citizens of this city intentionally driving by his home creating noise. I will assure the council that the Sheriff and I are not engaged in any kind of conspiracy, let alone, to disrupt Mr. Tota's life. Thank you.

Council President Rabb: Thank you Chief. Is there anyone else who would like to address the council this evening? Mr. Spitale?

Councilman Spitale: Mr. Tota, you've gone to my house numerous times. I don't appreciate you threatening me on the phone and leaving a message. Don't shake your head because it's the truth. You threatened me on the phone; I wasn't home. And then you want me to call you back? You said, on the phone, if you don't call back I'm going to ruin you at the council meeting. So, c'mon, try to ruin me. No, you said your piece. No, I don't want to hear any more.

Mr. Tota's comments were not able to be understood as he did not speak at the microphone.

Council President Rabb: No, Mr. Tota you can't. Mr. Tota, you're out of order.

Councilman Spitale: No. We had to listen to your crap. So now you're going to listen to mine. I don't know who you think you're talking to. I don't know who you think you're talking to. You might get away with somebody else, but not at this man. I grew up with you. I know you. Don't forget that.

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Mr. Tota: I'll make my response at the next meeting. I'll certainly do so.

Councilman Spitale: You can make all the response you want. It don't matter to me.

Council President Rabb: You're welcome to come to the next work session.

Mr. Tota: I will be at the next public meeting also.

Council President Rabb: You're more than welcome to come. Is there anyone else who would like to address the council this evening?

**STANDING COMMITTEES**

**FINANCE COMMITTEE**

201702A01

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 \$12,969,443.15

in accordance with the period ending February 24, 2017, 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 \$11,628,374.28 and payrolls in the total amount of \$1,341,068.87 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 – 0

201702A02

BY COUNCILWOMAN ECKLUND:

RESOLVED, That Fire Prevention/Code Enforcement Officer Shawn Tibbitts be and he hereby is authorized to attend the New York State Office of Fire Prevention and Control Fire Marshall's Seminar to be held at the State Fire Academy in Montour Falls, New York on October 17-20, 2017, with expenses paid pursuant to Section 77-b of the General Municipal Law.

Carried: 9 – 0

201702A03

BY COUNCILWOMAN ECKLUND:

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RESOLVED, That Police Lieutenant Greg Wozneak be and he hereby is authorized to attend the New York State Tactical Team Leadership Forum in Saratoga Springs, New York, February 28 – March 2, 2017 with expenses paid by the New York State Department of Homeland Security.

Carried: 9 – 0

201702A04

BY COUNCILWOMAN ECKLUND:

RESOLVED, That Police Sargent Rob Ward and Police Officer Adam McKinley be and they hereby are authorized to attend the New York Tactical Officer's Association Conference and Expo in Verona, New York, April 24-27, 2017 with expenses paid pursuant to Section 77-b of the General Municipal Laws of the State of New York.

Carried: 9 – 0

201702A05

BY COUNCILWOMAN ECKLUND:

RESOLVED, That Captain Robert Samuelson be and he hereby is authorized to attend the FIO Regional Coordinator Conference in Cooperstown, New York, April 12-14, 2017 with expenses paid pursuant to Section 77-b of the General Municipal Laws of the State of New York.

Carried: 9 – 0

201702A06

BY COUNCILMAN DOLCE:

RESOLVED, That Firefighter Robert Smith be and he hereby is authorized to attend the NAEMSE Level Two Course in New Martinsville, West Virginia, March 24-25, 2017, with expenses paid pursuant to Section 77-b of the General Municipal Law.

Carried: 9 – 0

201702A07

BY COUNCILMAN DOLCE:

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WHEREAS, in accordance with the New York State Environmental Quality Review (SEQR) regulations, the City Council of the City of Jamestown hereby announces its intent to serve as Lead Agency to conduct an environmental review of the Local Waterfront Revitalization Plan, and

WHEREAS, in accord with the likelihood that the City Council will serve as Lead Agent, the City Council has had prepared an Environmental Assessment of the significance of and potential environmental impact of the proposed project; and

WHEREAS, the City Council has determined that the project is of sufficient scope as to justify preparation of a full Environmental Assessment Form (EAF) and the conduct of a Coordinated Review, irrespective of whether the project exceeds the Type I thresholds defined in the SEQR Regulations, and

WHEREAS, it is the belief of the City Council that the review and approval process of other agencies having jurisdiction over the project would likely be simplified by completion of a Coordinated Review; now therefore be it

RESOLVED, that the City Council hereby accepts the Environmental Assessment of the Local Waterfront Revitalization Plan, prepared by LaBella Associates, P.C., and be it further

RESOLVED, that the City of Jamestown Department of Development will notify the involved and interested agencies of its intention to act as Lead Agency for this project and will provide them with a copy of Part 1 of the full Environmental Assessment Form for review during the 30-day comment period.

Carried: 9 – 0

201702A08

BY COUNCILMAN DOLCE:

RESOLVED, that the City of Jamestown, location code 20022 hereby establishes the following standard work days for these titles and will report the officials to the New York State and Local Retirement System based on time keeping system records or their record of activities:

<u>Elected Officials</u>	<u>Standard Work Day</u>	<u>Name</u>
Mayor	7.5 hours	Samuel Teresi
Councilwoman	6.0 hours	Kimberly Ecklund
Councilman	6.0 hours	Brent Sheldon
Councilman	6.0 hours	Tom Nelson

  

<u>Appointed Officials</u>	<u>Standard Work Day</u>	<u>Name</u>
Director of Financial Services	7.5 hours	James N. Olson
City Comptroller	7.5 hours	Joseph Bellitto
Corporation Counsel	7.5 hours	Marilyn Fiore-Lehman

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Director of Public Works	7.5 hours	Jeffrey Lehman
Police Chief/Director of Public Safety	8.0 hours	Harry Snellings
Assessor	7.5 hours	Kevin Okerlund

Carried: 8 – 1 (Sheldon – abstain)

BY COUNCILMAN DOLCE:

RESOLVED, that the following fee schedule be adopted and become effective February 28, 2017:

<b>DEPARTMENT OF PARKS, RECREATION AND CONSERVATION</b>	
Banner Hanging	\$150
Midget Football Teams (6/1/07)	\$175
Babe Ruth Teams	\$125
Youth Soccer Teams (1/1/08)	\$100
Allen Park Soccer field (per day)	\$175
Youth Softball Teams (Babe Ruth Girls)	\$100
Allen Park Ice Rink (non-ice events per day) (Ice Events Actual consumption E,W,S)	\$650 plus supplies and overtime
Goranson Bandshell	\$80
Pavilions (anyday) City Residents	\$35
Pavilions (anyday) Non-City Residents	\$60
Adult Softball Teams	\$185
Softball Complex (4 fields Bergman, 3 fields Jones and Gifford)	\$375 plus \$100 for lights
For profit use of Parks	\$250/day, \$25 electric panels and overtime additional
Non-Profit use of Parks	\$200/day, \$25 electric panels and overtime additional
Concession Stand	\$150
Bandwagon	\$350
Softball Fields (individual rental for games/tournaments)	\$50 plus \$100 for lights
Diethrick Park Rental Fees	

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Monday –Friday, Daytime, No lights	\$175 plus \$200 flat fee if overtime
Monday –Friday, Night, lights	\$275 plus \$200 flat fee if overtime
Saturday-Sunday Daytime, No lights	\$225 plus \$200 flat fee if overtime
Saturday-Sunday Night, lights	\$325 plus \$200 flat fee if overtime
All Day use	\$600 plus \$200 flat fee if overtime
Skate Park (reserved use)	\$150
Basketball court (reserved use)	
Chadakoin (has lights)	\$125
Allen/Bergman Parks	\$75
General Park Areas	
Group of 200	Delete
Groups of 500	Delete
Groups over 500	Delete

Carried: 9 – 0

**PUBLIC WORKS COMMITTEE**

201702A10

BY COUNCILMAN SPITALE:

RESOLVED, that the Director of Public Works be, and he hereby is, authorized to install a 15 minute load zone in front of the last parking stall in front of 100 East 2<sup>nd</sup> Street.

Carried: 9 – 0

BY COUNCILMAN SHELDON:

WHEREAS, the Planning Commission of the City of Jamestown voted on November 20, 2016, to recommend to the Jamestown City Council that a 16' x 100' portion of an un-named alley located between Lindsey Ave. and Woodlawn Ave. adjacent to parcels 371.13-1-8, (598 Falconer Street) and 371.13-1-40, be abandoned by the City of Jamestown as a public street, and

WHEREAS, it has been determined that the City of Jamestown no longer requires the aforesaid property known as an un-named alley located between Lindsey Ave. and Woodlawn Ave. adjacent to parcels 371.13-1-8, (598 Falconer Street) and 371.13-1-40 as a public street of the City of Jamestown, and

WHEREAS, notice of the City of Jamestown's intention to abandon the aforesaid property was published in The Post-Journal on January 20, 2017, and thereafter a public hearing was held on January 30, 2017, in accordance with the provisions of Section 29 of the General City Law, and

WHEREAS, notice has heretofore been sent by registered mail, return receipt requested, to the persons and addresses noted on the last preceding real property tax notice issued on the property which abuts the City-owned property above-described, in accordance with the provision of Section 29 of the General City Law, and

WHEREAS, the City Council of the City of Jamestown concurs with the recommendation of the Planning Commission aforesaid; now, therefore, be it

RESOLVED, That a 16' x 100' portion of the City-owned property known as an un-named alley located between Lindsey Ave. and Woodlawn Ave. adjacent to parcels 371.13-1-8, (598 Falconer Street) and 371.13-1-40, as shown on the Official Tax Map of the City of Jamestown, be and the same hereby is abandoned to abutting the property owners, and be it further

RESOLVED, That the Assessor and Director of Public Works of the City of Jamestown be and they hereby are authorized and directed to amend the Official Map of the City of Jamestown to reflect the abandonment of the above-described property, and be it further

RESOLVED, That the Mayor be and he hereby is authorized and directed to execute quit claim deeds conveying all of the City of Jamestown's right, title and interest to the abutting property owners of property known as an un-named alley located between Lindsey Ave. and Woodlawn Ave. adjacent to parcels 371.13-1-8, (598 Falconer Street) and 371.13-1-40, measurements to be determined by the Director of Public Works.

ALL THAT TRACT OR PARCEL OF LAND, situate in the City of Jamestown, County of Chautauqua, and State of New York, bounded and described as follows:

Being part of Lot 19, Town 2, Range 11 of the Holland Land Company's Survey, and further known as a portion of an alley sixteen (16) feet wide as shown on a map of the Lister Park Land Company's Allotment, Section "C" bounded and described as follows: BEGINNING at a point

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in the west line of Lindsey Avenue one hundred fifty (150) feet southerly from the intersection of the south line of Falconer Street with the west line of Lindsey Avenue, said point being at the northeast corner of Lot 6, Section "C" of the Lister Park Land Company's Allotment and also at the point of intersection of the west line of Lindsey Avenue and the south line of an alley as shown on said Allotment; thence westerly and parallel with the south line of Falconer Street and along the south line of said alley one hundred eighteen and eight-tenths (118.8) feet to a point; said point being at the northeast corner of Lot 6, Section "D" of said Allotment; thence northerly and parallel to the west line of Lindsey Avenue sixteen (16) feet to a point; said point being at the southeast corner of Lot 9, Section "D" of said Allotment; thence easterly and parallel with the first described line and along the north line of said alley one hundred eighteen and eight-tenths (118.8) feet to a point in the west line of Lindsey Avenue, said point also being at the southeast corner of Lot 9, Section "C" of said Allotment; thence southerly along the west line of Lindsey Avenue sixteen (16) feet to the point and place of beginning.

Councilwoman Ecklund, seconded by Councilman Spitale moved to table the resolution.

Carried: 9 – 0

201702A12

BY COUNCILMAN NELSON:

RESOLVED, that the Mayor be and he hereby is authorized to execute Change Order #2 for Tracy Plaza Phase 2 renovations and master plan design contract with Greenman-Pedersen, Inc., 4950 Genesee Street, Suite 100, Buffalo, New York, 14225 per the proposal submitted October 26, 2016 to include changes as follows:

ADD Preparation of cistern design

for a total increase of Two Thousand Eight Hundred Dollars (\$2800.00), subject to the approval of the Corporation Counsel as to form.

Carried: 9 – 0

**PUBLIC SAFETY COMMITTEE**

201702A13

BY COUNCILWOMAN JONES:

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

Section 1. Chapter 224-2 (B) Definitions and word usage, is hereby amended as follows.

**RECYCLABLES** - Solid waste consisting of cardboard, newspapers, glass bottles and jars, metal cans and soft plastic, together with such other materials as may from time to time be

designated by the General Manager of the City of Jamestown Board of Public Utilities and approved by the Jamestown City Council.

**SOFT PLASTIC** - Containers consisting of the type of plastic upon the bottom or some other part of which there is embossed a universal recycling symbol as determined by the General Manager of the City of Jamestown Board of Public Utilities, but excluding the caps or lids of such containers; also, milk containers made of plastic regardless of whether embossed with the universal recycling symbol and such other food and beverage containers as may from time to time be designated by the General Manager of the City of Jamestown Board of Public Utilities, but excluding the caps or lids of such milk containers or other containers.

Section 2. Chapter 224-4 (A) City collection and disposal; placement at curb, is hereby amended as follows.

A. Newspapers, Cardboard, Boxboard, Paper, Plastic, Metal (aluminum, tin), and Clear and Colored Glass, shall be placed in in the appropriate recycling container approved by the City of Jamestown Board of Public Utilities. Cardboard boxes and other cardboard containers shall be flattened prior to placement in the appropriate recycling container approved by the City of Jamestown Board of Public Utilities.

Section 3. Chapter 224-4 (B) City collection and disposal; placement at curb, is hereby amended as follows.

B. Prior to placement for collection and removal, newspapers and cardboard shall be free of staples, glass jars and bottles, and soft plastic and metal cans shall be cleaned and the contents removed therefrom. Caps and lids shall be removed from all soft plastic and glass recyclables. Metal cans shall be flattened whenever possible.

Section 4. Chapter 224-4 (C) City collection and disposal; placement at curb, is hereby amended as follows.

C. Recyclables for collection by the City of Jamestown shall be placed at curbside on the day of the week specified by the General Manager of the City of Jamestown Board of Public Utilities. Cardboard and newspapers, soft plastics, metal cans and glass shall be collected on separate weeks in accord with a schedule designated by the General Manager of the City of Jamestown Board of Public Utilities. Recyclables placed for collection shall be collected on the same day of the week designated by the General Manager of the City of Jamestown Board of Public Utilities, for the collection of solid waste.

Section 5. Chapter 224-4 (F) City collection and disposal; placement at curb, is hereby amended as follows.

F. Ownership of recyclables set out for collection shall thereupon vest with the City of Jamestown. It shall be unlawful for any person other than a person authorized by the City of Jamestown to collect, remove or dispose of recyclables, the ownership of which has vested with the City of Jamestown as herein provided.

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Section 6. Chapter 224-4 (G) City collection and disposal; placement at curb, is hereby amended as follows.

G. The General Manager of the City of Jamestown Board of Public Utilities is hereby empowered to designate the day of the week on which solid waste and particular recyclables will be collected and removed from a particular area.

Section 7. Chapter 224-4 (H) City collection and disposal; placement at curb, is hereby amended as follows.

H. No person shall put out for collection and disposal any hazardous waste, nor shall any person commingle with any solid waste or recyclables put out for collection any hazardous waste.

Section 8. This ordinance amendment shall take effect immediately.

Carried: 9 – 0

201702A14

BY COUNCILWOMAN JAMES:

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

Section 1. Chapter 160-6(B). Waste containers; placement of wastes is hereby amended as follows.

B. Each householder within the City shall provide himself with tight metal or plastic garbage receptacles fitted with covers so constructed that neither water nor snow may enter the same. Such covers, when the receptacle is in use, shall be kept on the receptacle. Such receptacles shall be kept upon the ground level, easily accessible to the garbage collectors. No garbage shall be placed in such receptacle unless having first been thoroughly drained and securely wrapped. Such receptacles shall not be larger than a ninety-five gallon capacity. It shall be the duty of the collector, his agents and servants to report to the County Board of Health the names of any persons who fail to comply strictly with the provisions of this subsection. Upon the failure on the part of any person to observe the regulations prescribed by this subsection within 48 hours after notice from the County Board of Health to comply with the same, such person shall be guilty of violating this subsection.

Section 2. This ordinance amendment shall take effect immediately.

Carried: 9 – 0

201702A15

BY COUNCILWOMAN CARRUBBA:

RESOLVED, That the Board of Public Utilities be, and it hereby is, requested to install a new 400 HPS street light at the following location:

City Pole 21245                      Forest Avenue

Carried: 9 – 0

**NEW BUSINESS**

201702A16

BY COUNCILMAN NELSON:

WHEREAS, The City of Jamestown having resolved that the public interest would be served by the construction of improvements to the existing Riverwalk Trail through the Two Riverwalk Trail Bridges Project (PIN 5761.09); now therefore be it

RESOLVED that the City of Jamestown hereby agrees that the acquisition of real property identified as the bed of the river of the Chadakoin River is necessary for the completion of the project; and be it further

RESOLVED that in as much as a search for the owners of the real property to be acquired is unable to identify any owners (unknown condemnees) it is the opinion of the City of Jamestown that the acquisition is de minimus in nature so that the public interest will not be prejudiced by the construction of improvements to the Riverwalk Trail; and be it further

RESOLVED that the public interest will be endangered by any delay caused by the public hearing requirement of the Eminent Domain Procedure Law §201.

Carried: 9 – 0

201702A17

BY COUNCILMAN SPITALE:

WHEREAS, The City of Jamestown having resolved that the public interest would be served by the construction of improvements to the existing River Trail; and

WHEREAS, that the City of Jamestown hereby agrees that the acquisition of real property together with the necessary rights which run thereto is necessary for the completion of the project; now therefore be it and

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RESOLVED that Samuel Teresi, Mayor of the City of Jamestown, is authorized to review, approve and execute all documentation including any pleadings and/or contracts for the purchase and/ or acquisition of all lands deemed necessary for the completion of the project identified as Two Riverwalk Trail Bridge Project (PIN 5761.09) subject to the approval of the Corporation Counsel as to form.

Carried: 9 – 0

There being no further business, the meeting was adjourned.

James N. Olson  
Director of Financial Services/City Clerk