

April 27, 2015

City Council

Proceedings by Authority

State of New York
City of Jamestown
City Council Chambers

ss:

A meeting of the City Council of the City of Jamestown, New York was held on Monday, April 27, 2015 at 7:30 p.m.

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

Members Absent:

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

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 Councilman Rev. Alfonso Pagan.

Councilman Dolce moved to approve the minutes from the March 23, 2015 meeting.

MESSAGES FROM THE MAYOR

201504B00.01

CITY OF JAMESTOWN)
Mayor's Office)

To the City Council of the City of Jamestown New York
Council Members:

In pursuance of section 523-a. of the Real Property Tax Law, I do hereby nominate:

John Felton
436 South Ave.
Jamestown, New York 14701

April 27, 2015

to be appointed a temporary member of the Board of Assessment Review in and for the City of Jamestown, New York.

The term for which said appointment is to be made will expire December 31, 2015.

Dated: April 27, 2015

Samuel Teresi
Mayor of the City of Jamestown, New York

201504B00.02

CITY OF JAMESTOWN)
Mayor's Office)

To the City Council of the City of Jamestown New York
Council Members:

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

Charles Telford
22 Jewel Place
Jamestown, New York 14701

to be appointed a member and Chairman of the Veteran's Memorial Commission in and for the City of Jamestown, New York, to fill the unexpired term of Ronald Cotton, deceased.

The term for which said appointment is to be made will expire December 31, 2016.

Dated: April 27, 2015

Samuel Teresi
Mayor of the City of Jamestown, New York

April 27, 2015

201504B00.03

CITY OF JAMESTOWN)
Mayor's Office)

To the City Council of the City of Jamestown New York
Council Members:

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

Theresa Baginski
64 Holly Hill Court
Randolph, New York 14772

to be appointed a member of the Veteran's Memorial Commission in and for the City of
Jamestown, New York to fill the unexpired term of Charles Telford.

The term for which said appointment is to be made will expire
December 31, 2016.

Dated: April 27, 2015

Samuel Teresi
Mayor of the City of Jamestown, New York

201504B00.04

CITY OF JAMESTOWN)
Mayor's Office)

To the City Council of the City of Jamestown New York
Council Members:

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

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Judith Sandson
135 Cook Ave.
Jamestown, New York 14701

to be appointed a member of the Zoning Board of Appeals in and for the City of Jamestown, New York to fill the unexpired term of John Sixbey, resigned.

The term for which said appointment is to be made will expire
December 31, 2016.

Dated: April 27, 2015

Samuel Teresi
Mayor of the City of Jamestown, New York

201504B00.05

CITY OF JAMESTOWN)
Mayor's Office)

To the City Council of the City of Jamestown New York
Council Members:

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

Sean Bernhardt
210 W 6th Street
Jamestown, New York 14701

to be appointed a member of the Plumbing Board in and for the City of Jamestown, New York to
fill the unexpired term of Gregg DeLong, resigned.

The term for which said appointment is to be made will expire
December 31, 2015.

Dated: April 27, 2015

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Samuel Teresi
Mayor of the City of Jamestown, New York

Councilman Spitale moved to suspend the rules and act on the appointments.

Carried: 9 - 0

Councilwoman Ecklund moved to approve the appointments.

Carried: 9 - 0

OPPORTUNITIES FOR PERSONS TO ADDRESS THE COUNCIL

201504B00.06

John Collins 71 Chambers Street: My name is John Collins. I live at 71 Chambers Street. I just wanted to stop in to say thanks to all of those involved in keeping our streets plowed this winter which was a real challenge and everybody did a great job. It keeps us open so the police and fire department can get to us and we feel safe. That's it.

Mr. Rabb: Great. It's nice to hear that. Thank you.

STANDING COMMITTEES

FINANCE COMMITTEE

201504B01

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 \$8,226,288.28

in accordance with the period ending April 23, 2015, 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 \$7,013,346.80 and payrolls in the total amount of \$1,212,941.48 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

April 27, 2015

201504B02

BY COUNCILWOMAN ECKLUND:

RESOLVED, That the Mayor of the City of Jamestown be and he hereby is authorized to enter into an agreement with International Code Council, Certification and Testing Department, 900 Montclair Road, Birmingham, AL 35213 for the administration of conducting Contractor/Trades Examinations for the City of Jamestown subject to the approval of the Corporation Counsel as to form.

Carried: 9 - 0

201504B03

BY COUNCILWOMAN ECKLUND:

RESOLVED, that Mayor Samuel Teresi, and Police Chief/Director of Public Safety Harry Snellings be, and they hereby are, authorized to enter into an agreement with the City of Jamestown School District for providing one (1) School Resource Officer in the Jamestown Public Schools for a term of one (1) year beginning September 1, 2014 and ending August 31, 2015 in an amount not to exceed Ninety-Two Thousand, Eight Hundred Dollars (\$92,800) per year and an option for summer school in an amount not to exceed Fifteen Thousand Dollars (\$15,000) per year, subject to the approval of the Corporation Counsel as to form.

Carried: 9 - 0

201504B04

BY COUNCILMAN DOLCE:

WHEREAS, the New York State Deferred Compensation Board (the "*Board*"), pursuant to Section 5 of the New York State Finance Law ("*Section 5*") and the Regulations of the New York State Deferred Compensation Board (the "*Regulations*"), has promulgated the Plan Document of the Deferred Compensation Plan for Employees of City of Jamestown, (the "*Model Plan*") and offers the Model Plan for adoption by local employers, and

WHEREAS, City of Jamestown, pursuant to Section 5 and the Regulations, has adopted and currently administers the Model Plan known as the Deferred Compensation Plan for Employees of Jamestown, New York, and

WHEREAS, effective November 14, 2014 the Board amended the Model Plan to adopt Provisions:

- To allow if so elected by the sponsoring employer, the ability to take loans against Roth account balances.

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WHEREAS, the Board has offered for adoption the amended and restated Model Plan to each Model Plan sponsored by a local employer in accordance with the Regulations, and

WHEREAS, upon due deliberation, City of Jamestown has concluded that it is prudent and appropriate to amend the Deferred Compensation Plan for Employees of City of Jamestown by adopting the amended Model Plan, now therefore be it,

RESOLVED, that Jamestown, New York hereby amends the Deferred Compensation Plan for Employees of Jamestown, New York by adopting the amended Model Plan effective November 14, 2014, including the optional provisions in Schedule A, in the form attached hereto as Exhibit A.

Carried: 9 – 0

201504B05

BY COUNCILMAN DOLCE:

RESOLVED, That Fire Fighter Walter Johnston be and he hereby is authorized to attend the Fire Behavior/Arson Awareness and Principles of Fire Investigation training at the State Fire Academy, Montour Falls, New York on May 4-8, 2015, with expenses paid pursuant to Section 77-b of the General Municipal Law.

Carried: 9 - 0

PUBLIC WORKS COMMITTEE

201504B06

BY COUNCILMAN SPITALE:

WHEREAS, the County of Chautauqua included the City of Jamestown in its bidding process for construction materials and services; and

WHEREAS, the City of Jamestown has determined that some County proposals may be the most advantageous to the City; now, therefore, be it

RESOLVED, that the Mayor of the City of Jamestown and Director of Public Works are authorized to purchase construction materials and services at the prices quoted to the County of Chautauqua and set forth in the Chautauqua County 2015 Construction Season Purchasing Guide.

Carried 9 - 0

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201504B07

BY COUNCILMAN NELSON:

RESOLVED that Mayor Sam Teresi and Jeffrey Lehman, P.E., Director of Public Works and Acting Director of Parks, Recreation and Conservation, are hereby authorized and directed to purchase from Ed Shults Ford, 2273 Washington Street Jamestown, NY 14701, off Chautauqua County Vehicle Bid Prices E-10-14 PFTH, three (3) new 2016 Ford F-550 Dump Trucks, as follows:

One to replace Parks #213, for the amount of \$49,343.00

One to replace Parks #216, for the amount of \$49,343.00

One to replace Parks #217, including a snow plow installed, for the amount of \$53,929.00

for a total amount not to exceed One Hundred Fifty-Two Thousand Six Hundred Fifteen Dollars (\$152,615.00), said vehicles for use in the Parks, Recreation & Conservation Department.

Carried: 9 - 0

201504B08

BY COUNCILMAN PAGAN:

RESOLVED, that the Mayor be and he hereby is authorized to enter into an agreement with Greenman-Pedersen, Inc., 4950 Genesee Street, Buffalo, NY 14225 for professional engineering and architectural design services including overall design for Tracy Plaza, preparation of design documents, preparation of construction documents, services during bidding, and services during construction for the Tracy Plaza Phase 2 Renovations and Master Plan Design project at the Municipal Building, 200 E. Third Street, Jamestown, NY, in accordance with its proposal of November 25, 2014, Revised December 11, 2014, for a not to exceed cost of Two Hundred Five Thousand Dollars (\$205,000.00).

Carried: 9 – 0

PUBLIC SAFETY COMMITTEE

201504B09

BY COUNCILWOMAN JONES:

WHEREAS, a Neighborhood Watch Committee has been organized in the Front Street area for the purpose of deterring crime in those areas, and

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WHEREAS, the Front Street Neighborhood Watch Program has the support and approval of the Jamestown Police Department, and

WHEREAS, the Jamestown Police Department has received funding for the purchase of Neighborhood Watch signs with the understanding that the City of Jamestown will erect the signs and assume the responsibility for the maintenance of said signs, now therefore be it

RESOLVED, that the Director of Public Works be, and he hereby is, authorized to erect and maintain said signs in appropriate places on the aforesaid street.

Carried: 9 - 0

201504B10

BY COUNCILWOMAN CARRUBBA:

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

Section 1. Article I, General Provisions, Chapter 300-0106, Zoning, Definitions of the Code of the City of Jamestown is hereby added as follows.

MUSEUM - A building having public significance by reason of its architecture or former use or occupancy and/or a building serving as a repository for natural, scientific, historical, artistic, cultural or literary collections or objects of interest, or works of art, and arranged, intended and designed to be used by members of the public for viewing which may include as accessory uses, theaters, restaurants and/or the sale of goods to the public as gifts or for their own use.

Section 2. Article VII, General Provisions, Chapter 300-0706, Zoning, Nonconforming Use Regulations of the Code of the City of Jamestown is hereby added as follows.

G. Signs located at or on Museums, not in a R-1 or R-2 District, as defined in §300-0106 provided, however, that any such signs shall be reviewed and approved in conjunction with the site plan review and approval process pursuant to Article IX, Chapter 300, Site Plan Review.

Section 3. This ordinance amendment shall take effect immediately.

Carried: 9 - 0

201504B11

BY COUNCILMAN SHELDON:

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

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Section 1. Chapter 131-1.A., Board of Electrical Examiners of the Code of the City of Jamestown is hereby amended as follows.

A. There is hereby created a Board of Electrical Examiners, which shall consist of five members appointed by the Mayor of the City, subject to confirmation by the City Council. Such Board shall include the Deputy Chief of the Fire Department, or his designee, who shall act as Chairman of the Board, the Building Inspector of the City, who shall act as Secretary of the Board without additional compensation; one representative of the Board of Public Utilities, or his designee, one electrical contractor with 10 years' continuous experience in the electrical contracting business; and one electrician of 10 years' continuous experience installing electrical work. The local inspector of an approved electrical inspection company shall be retained in an advisory capacity at no remuneration.

Section 2. Chapter 131-1.E., Board of Electrical Examiners of the Code of the City of Jamestown is hereby amended as follows.

E. Examinations shall be either written or web based, and a complete record of every in-house examination given or certificates of successful completion of acceptable independent testing agency shall be kept on file until three years after the date of the examination. The Board shall cause licenses to be issued by the City Clerk to qualified applicants, and the Board shall certify to the City Clerk those applicants who shall show proper qualifications. In every case the license shall not be granted until after the prescribed fee has been paid. It shall also be the duty of the Board to revoke any license for good and sufficient causes as prescribed in § **131-8**.

Section 3. Chapter 131-1.F., Board of Electrical Examiners of the Code of the City of Jamestown is hereby deleted in its entirety as follows.

Section 4. Chapter 131-1.G., Board of Electrical Examiners of the Code of the City of Jamestown is hereby renumbered as paragraph F as follows.

F. It shall be the further duty of the Board to conduct public hearings on any complaints made by the Deputy Chief of the Fire Department or the Building Inspector of the City against any electrical contractor and to review electrical matters in dispute between the Building Inspector and property owners, electrical contractors or others in case of appeal and to render decisions in all matters brought before it.

Section 5. Chapter 131-2.(4). License and certificate required; exceptions of the Code of the City of Jamestown is hereby amended as follows.

4. The installation, alteration or repairing of any wiring device or equipment for the operation of signals or the transmission of intelligence where such wiring, devices, appliances are covered by NFPA 70 Article 100-I Communications Equipment, 645 Information Technology Equipment, 760 Fire alarm Systems, 800 Communication Systems and equipment deemed similar by the Board.

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Section 6. Chapter 131-15. Supplemental rules of the Code of the City of Jamestown is hereby amended as follows.

The Deputy Chief of the Fire Department, through the electrical inspectors, is hereby authorized to make and prescribe supplemental rules in addition to this chapter, but not inconsistent therewith, for the purpose of carrying out and facilitating the enforcement of the provisions of this chapter. Such supplemental rules and changes shall not take effect until signed by the electrical inspector and approved, in writing, by the Deputy Chief of the Fire Department, which supplemental rules and changes as thus signed and approved shall be kept at all times while in force at the office of the Fire Department in the City Hall and shall be open for public inspection during the office hours thereof. The electrical inspector and the Deputy Chief of the Fire Department are charged with the duty of administering and enforcing this chapter in a practical and workmanlike manner, and for those purposes they shall be guided by the provisions of this chapter. Where this chapter fails to make provision for a particular type of electrical work, installation or inspection or any other matter in relation thereto, the Deputy Chief of the Fire Department and the electrical inspector shall be guided and governed by the National Electrical Code, as adopted by the National Fire Protection Association and as adopted by § 131-18, which is made a part of this chapter for all purposes.

Section 7. Chapter 131-18. Adoption of Standards of the Code of the City of Jamestown is hereby amended as follows.

For the purpose of regulation of the installation, alteration or repair of electrical installations and facilities in the City of Jamestown and except as otherwise provided by this chapter, the current State of New York approved edition of the National Electrical Code, promulgated by the National Fire Protection Association, as it may be from time to time amended, is hereby adopted and made to apply within the City of Jamestown.

Section 8. This ordinance amendment shall take effect immediately.

Carried: 9 - 0

NEW BUSINESS

201504B12

BY COUNCILMAN DOLCE:

RESOLVED, That Traffic Officer David Kianos be and he hereby is authorized to attend the Empire State Law Enforcement Traffic Safety Conference in Syracuse, New York, April 30 - May 1, 2015 with expenses paid pursuant to Section 77-b of the General Municipal Laws of the State of New York.

Carried: 9 - 0

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201504B13

BY COUNCILMAN DOLCE:

WHEREAS, on December 17 , 2007 the Jamestown City Council approved a loan for One Hundred Sixty Thousand dollars (\$160,000) at a rate of 5% interest for 10 years by the Jamestown Local Development Corporation (JLDC) through the Jobs and Private Investment Loan Program Tier I to Jody and Jamie Peterson of Budget Rentals, LLC approved on August 30, 2007 as part of a \$454,609 project involving the renovation of the Sprinchorn Building of 501 West Third Street with the collateral for the security of the loan is as follows: a second security mortgage position on the real estate property located at 501 West Third Street, Jamestown, NY behind a first mortgage held by Carole S. Colter, Susan Gottula, and the Pratt Family Trust; a first security position in all leases and rent receivable; a second mortgage position on real estate for the personal residence of Jody and Jamie Peterson, 1510 Trask Rd., Jamestown, NY.; a second mortgage position on real estate at 270 East Terrace, Lakewood, NY; a personal guarantee from Jody and Jamie Peterson; and

WHEREAS, Jody and Jamie Peterson has requested that the City of Jamestown release its mortgage liens on the above mentioned properties as used for collateral, and the personal guarantee by Jamie Peterson on the above mentioned loan; and

WHEREAS, the Jamestown Local Development Corporation has approved a new note to Jamestown's Rental Properties West, LLC for the payoff amount of the remaining balance of the Promissory Note to Jody and Jamie Peterson in the amount of \$59,941.26 on April 23, 2015 with the amortization of the original note to remain in effect with the payoff date of June 2018; and

WHEREAS, Jamestown Rental Properties West, LLC has pledged collateral of a first mortgage position on the Hotel Jamestown Building, 100-112 West Third Street, Jamestown, NY, owned by Jamestown's Rental Properties West, LLC with an appraised value of \$131,000; and personal guarantee by Jody Peterson, and it has been determined are sufficient to secure the remaining loan amount for the new note; now therefore be it

RESOLVED, that the Jamestown City Council hereby does release the properties at 501 West Third Street, Jamestown, NY, and 1510 Trask Rd., Jamestown, NY, and 270 East Terrace, Lakewood, NY from the collateral package of the loan as well as a personal guarantee from Jamie Peterson; and be it further

RESOLVED, that the remaining loan balance of \$59,941.26 for the \$160,000 loan through the Jobs and Private Investment Loan Program Tier I to Jody and Jamie Peterson will be retired and satisfied with the issuance of a new JLDC loan and promissory note to Jamestown's Rental Properties West, LLC for the above payoff amount and the original payoff date in June 2018, a first position mortgage for property at 110-112 West Third Street, Jamestown, N.Y., assignment of receivable rental income for that property, and a personal guarantee by Mr. Jody Peterson.

Councilwoman Ecklund: I just want to note for the record that this particular mortgage lien was approved by JLDC last week.

Carried: 9 - 0

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201504B14

BY COUNCILMAN DOLCE:

RESOLVED, That the Mayor of the City of Jamestown be and he is authorized and directed to accept a grant from and execute all required documents in accordance with the 2014 Assistance to Firefighters Grant (AFG), EMW-2014-FO-02860 in the amount of \$48,637.00 with the local share being \$4,863.00, and be it further

RESOLVED, that said grant resources will be utilized by the Jamestown Fire Department to purchase various items of vehicle extrication equipment 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