

August 31, 2015

City Council

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Proceedings by Authority

State of New York  
City of Jamestown  
City Council Chambers

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A meeting of the City Council of the City of Jamestown, New York was held on Monday, August 31, 2015 at 7:30 p.m.

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

Members Absent:

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

The Invocation was given by Rev. Adam Rohler of the First Covenant Church.

Councilman Spitale moved to approve the minutes from the July 27, 2015.

**MESSAGES FROM THE MAYOR**

201508B00.01

CITY OF JAMESTOWN )  
Mayor's Office )

To the City Council of the City of Jamestown New York

Council Members:

In accordance with Section 310 of the New York State Real Property Tax Law, I do hereby nominate:

Kevin Okerlund  
7580 Felton Rd.  
Westfield, NY 14787

to be appointed as the Assessor IV of the City of Jamestown, New York, to fill the unexpired term of Randall Holcomb, retired.

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The term for which said appointment is to be made will expire September 30, 2019.

Dated: July 27, 2015

Samuel Teresi  
Mayor of the City of Jamestown, New York

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

Carried: 9 ayes, 0 nays

Councilwoman Ecklund moved to vote on the appointment.

Carried: 9 ayes, 0 nays

## **STANDING COMMITTEES**

### **FINANCE COMMITTEE**

201508B01

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 \$5,295,212.97

in accordance with the period ending August 28, 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 \$3,990,537.91 and payrolls in the total amount of \$1,304,675.06 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

201508B02

BY COUNCILWOMAN ECKLUND:

RESOLVED, That Captain Robert Samuelson and Lieutenant Timothy Jackson be and they hereby are authorized to attend the Federal Bureau of Investigation Regional Command College in Niagara Falls, NY, October 4-9, 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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201508B03

BY COUNCILWOMAN ECKLUND:

RESOLVED, that the Mayor be and he hereby is authorized to enter into an agreement with the Town of Busti, 125 Chautauqua Ave., Lakewood, New York 14750 to provide assessing services for the Town during the period of August 1, 2015 to September 30, 2019, subject to the review and approval of the Corporation Counsel as to form.

Carried: 9 – 0

201508B04

BY COUNCILMAN DOLCE:

WHEREAS, the City of Jamestown has been awarded \$269,100 in funding through the Coastal Resources Division of New York State's Department of State for the Brownfield Opportunity Areas Grant Program (C1000365) designed to provide municipalities and community-based organizations with funding assistance that covers up to ninety percent (90%) of eligible costs to complete area-wide Brownfields investigations and land use redevelopment planning; and

WHEREAS, the Jamestown Urban Renewal Agency, the City of Jamestown Department of Public Works, and the City of Jamestown Parks Department, identified the Chadakoin River West Brownfield Opportunity Areas Grant Program area as an approximately 738-acre site bounded by Washington Street to the east, Fluvanna Avenue to the north, Eighth Street to the south, and the railroad line parallel to Jones & Gifford Avenue to the west; and

WHEREAS, by previous City Council resolution (201209A04), the Jamestown Urban Renewal Agency proposed to serve as program administrator and coordinator for a Step 2 (Nomination Study) for this second phase of the City's Chadakoin River West Brownfield Opportunity Areas Grant Program on behalf of the City of Jamestown; and

WHEREAS, the Jamestown Urban Renewal Agency has conducted the Request for Proposal process and reviewed several submissions; listened to presentations and discussed the project further with two selected finalists; now therefore be it

RESOLVED, that the City Council of Jamestown, New York remains fully committed and supportive of the Brownfield Opportunity Areas Grant Program and fully supports the Jamestown Urban Renewal Agency's selection of C&S Companies from Buffalo, New York to conduct all duties under the Chadakoin River West Brownfield Opportunity Areas Grant; and be it further

RESOLVED, that the Mayor is authorized to execute a contract for services with C&S Companies, and approved by the Corporation Counsel as to content and form to serve as lead consulting firm to complete all aspects of the Step 2 of the Chadakoin West Brownfield Area Opportunity Grant Program.

Carried: 9 – 0

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201508B05

BY COUNCILMAN DOLCE:

RESOLVED, That warrants be drawn and paid to the respective owners and paying agents the sum of eighty-two thousand nine hundred thirty-seven dollars (\$82,937.50) in accordance with the bond and note requirements as follows:

Public Improvement Bonds, issue of November 19, 2013, defeasance of 2004 Chautauqua County IDA bonds, eighty-two thousand nine hundred thirty-seven dollars (\$82,937.50) for six months interest at 2.00% per annum on five million five hundred forty-five thousand dollars (\$5,545,000).

Carried: 9 – 0

201508B06

BY COUNCILMAN DOLCE:

RESOLVED, That warrants be drawn and paid to the respective owners and paying agents the sum of fifty-four thousand, nine hundred dollars (\$54,900.00) in accordance with the bond and note requirements as follows:

Public Improvement Bonds, issue of March 9 2006, fifty thousand dollars principal, and four thousand nine hundred dollars (\$4,900.00) for six months interest at 4.00% per annum on two hundred forty-five thousand dollars (\$245,000).

Carried: 9 – 0

**PUBLIC WORKS COMMITTEE**

201508B07

BY COUNCILMAN SPITALE:

RESOLVED, that the proposal dated June 22, 2015 and submitted by Jamestown Roofing, Inc., 119 Clifton Avenue, Jamestown, NY 14701, for Roof Replacement at Allen Park Bandshell, in the amount of Twenty Nine Thousand Dollars (\$29,000.00), per City of Jamestown RFP #11 of 2015, be and the same hereby is accepted, and be it further

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

Carried: 9 – 0

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201508B08

BY COUNCILMAN SPITALE:

RESOLVED, That the bid submitted by R. Patti Concrete Excavating LLC, PO Box 3081, Jamestown, NY 14702 for Concrete Work: Street Reconstruction 2015, Newland Ave. – Phase 1, based on the bid opened August 27, 2015, in the following amounts, be and the same hereby is accepted:

6900 SF Flat Work: 4 inch at \$5.95 SF  
2700 SF Flat Work: 6 inch at \$6.50 SF  
1800 LF Standard 18" Curb & Gutter at \$24.50 LF  
30 LF Steps at \$0.00 LF  
20 EA Core Drill: 4 inch diameter with 20' of 4" drain pipe at \$100.00 EA  
120 TON Additional Stone at \$ 25.00 TON  
10 CY Additional Excavation: \$ 0.00 CY  
80 SF Detectable warning surface for ADA Accessible Curb Cuts at \$20.00 SF

for a total bid amount of One Hundred Nine Thousand Three Hundred Five Dollars (\$109,305.00), 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 R. Patti Concrete Excavating LLC, which agreement will reflect the services to be performed by R. Patti Concrete Excavating LLC, at the prices referred to above, said agreement to be subject to approval as to form by the office of the Corporation Counsel.

Carried: 9 – 0

201508B09

BY COUNCILMAN PAGAN:

RESOLVED, That the bid submitted by CPS Construction Group, Inc., 927 Route 910, Suite 200, Cheswick, PA 15024 for Main Street Parking Ramp: Traffic Coating based on the bid opened August 20, 2015, in the following amounts, be and the same hereby is accepted:

23,500 SF Removed existing traffic coating and install new heavy duty traffic coating at \$4.90 SF  
150 SF Build-up area at pedestrian exit to eliminate pooling at \$13.00 SF  
1 EA Furnish all striping, numbering, and pavement marking to current ADA templates \$N/A  
125 LF Remove and replace the entire control joint sealant at \$7.00 LF

for a total bid amount of One Hundred Eight Thousand Six Hundred Dollars (\$108,600.00), this being the lowest of seven bids received meeting qualifications, and be it further.

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RESOLVED, That the Mayor be and he hereby is authorized to execute an agreement with CPS Construction Group, Inc., which agreement will reflect the services to be performed by CPS Construction Group, 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: 9 – 0

201508B10

BY COUNCILMAN NELSON:

RESOLVED, that the proposal dated August 18, 2015 and submitted by Creative Construction, 941 Blockville Rd., Ashville, NY 14710, for Spring Street Brick Repair, in the amount of Twenty Six Thousand Eight Hundred Fifty Dollars (\$26,850.00), per City of Jamestown RFP #12 of 2015, be and the same hereby is accepted, and be it further.

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

Carried: 9 – 0

201508B11

BY COUNCILMAN NELSON:

RESOLVED, That the bid submitted by S. Tabone Construction Co., Inc., 17 Central Ave., Fredonia, NY 14063 for Riverwalk Trail Phase VI: New Ramp, based on the bid opened July 24, 2015, in the following amounts, be and the same hereby is accepted:

BASE BID: \$93,774.00

for a total bid amount of Ninety Three Thousand Seven Hundred Seventy Four Dollars (\$93,774.00), this being the lowest of three 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: 9 – 0

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**NEW BUSINESS**

201508B12

BY COUNCILMAN PAGAN:

RESOLVED, that the Mayor be and he hereby is authorized, to enter into an Order on Consent File No. 14-017 R9-20140219-5 with the New York State Department of Environmental Conservation for the purpose of Wetlands Mitigation on the Chadakoin River within the City of Jamestown.

Carried: 9 - 0

201508B13

BY COUNCILWOMAN ECKLUND:

RESOLVED, That the City Comptroller be and hereby is authorized to make the following amendment to the 2015 General Fund budget for the purpose of appropriating funds for the Wetland Mitigations as ordered by the New York State Department of Environment Conservation as follows:

INCREASE:        Appropriations  
                    A.5110.0400  
                    \$60,000.00     Street Maintenance

DECREASE:       Appropriations  
                    A.1990.0400  
                    \$60,000.00     Contingency

Carried: 9 - 0

201508B14

BY COUNCILMAN DOLCE:

RESOLVED, that the Mayor be and he hereby is authorized to enter into a contract with the New York State Department of State, Division of Local Government Services, One Commerce Plaza, 99 Washington Ave., Suite 1015, Albany, New York 12231 in an amount not to exceed \$250,000 for the 2015 Budget Stabilization Program Contract # 1000573 subject to the approval of the Corporation Counsel as to form.

Carried: 9 - 0

BY COUNCILMAN SHELDON:

WHEREAS, the City of Jamestown, New York is an economically distressed, Northeastern United States city located in Western New York; and

WHEREAS, the City of Jamestown contains an overabundance of older housing stock, aging infrastructure, obsolete industrial buildings, and Brownfield sites; and

WHEREAS, since FY 1990, the City of Jamestown has been allocated and has effectively utilized forty three million, eight hundred-fifteen thousand, eight hundred sixty-four dollars (\$43,496,151) in CDBG and HOME Program funding for a variety of projects that have directly benefited residents and neighboring properties, businesses, property owners, but not limited to:

- Rehabilitation of thousands of rental and owner-occupied housing units;
- Installation of enhanced neighborhood street lighting;
- Owner occupied emergency home repair program to elderly low to moderate individuals;
- Extensive handicapped accessibility improvements to public facilities to comply with the Americans with Disabilities Act (A.D.A.);
- Construction of wheelchair ramps in residences;
- Promotion of homeownership through the Homesteading first-time homeowners program;
- Extensive commercial façade and commercial handicapped accessibility improvement projects in Downtown Jamestown;
- Lead abatement programs;
- Preparation of various industrial development sites for industrial expansion projects;
- Youth Group Work Camps to help elderly citizens make minor repairs, paint, and landscape their owner occupied homes;
- Demolition of blighted and unsafe structures;
- Building improvements to Jamestown Boys and Girls club;
- Enhancements to the Eastside and Downtown YMCA Youth centers;
- Establishment of a Community Policing program;
- Assistance for the renovation and new construction of numerous low-moderate income multi-housing projects;
- Numerous target area housing and infrastructure rehabilitation projects including new streets, curbing, lighting, storm sewers, and sidewalks;
- Target Area Code Enforcement mini-sweeps;
- Low-income foreclosure prevention, low income legal services, and at-risk youth job training programs;
- Various parks and playground improvement projects, including Chadakoin Park infrastructure improvements;

WHEREAS, over 1,200 communities rely on CDBG as a direct source of annual funding; and



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WHEREAS, since 2010, funding for CDBG has been cut by over \$1 billion while the need for these important resources at the local level has continued to grow; and

WHEREAS, for every \$1.00 of CDBG funding invested in a project another \$3.55 is leveraged from other sources; and

WHEREAS, since its inception in 1974, CDBG has leveraged nearly \$400 billion in other resources for community development and affordable housing; and

WHEREAS, between FY2005-FY2014 CDBG has created or retained 353,237 jobs; and

WHEREAS, between FY2005-FY2014 CDBG has assisted 1.228 million low-and-moderate income homeowners rehabilitate their homes, provided down payments and closing cost assistance to qualified home buyers, and assisted homeowners through lead paint abatement; and

WHEREAS, the enacted funding level for CDBG in FY2010 by Congress was \$3.95 billion with the current House bill that would only provide \$3.06 billion which represents a \$6 million decrease from FY2015, and the Senate bill would provide \$2.8 billion or a \$266 million dollar decrease; and

WHEREAS, Home Investment Partnerships Program (HOME) budget cuts of 93% proposed in the Senate bill to a funding level of \$66 million in FY2016 compared to \$900 million in FY2015 and a House bill that would fund FY2016 at \$767 million or a \$133 million decrease that would virtually eliminate all owner occupied housing rehabilitation projects through the City of Jamestown's Department of Development for low to moderate income residents in the City of Jamestown; and

WHEREAS, the City of Jamestown CDBG and HOME Program activities have benefited every citizen of the City of Jamestown in some manner; and

WHEREAS, no other source of funding exists or is available to the City of Jamestown to continue these vital commercial, industrial, and residential improvement activities; and now therefore be it

RESOLVED, that the Jamestown City Council hereby encourages President Barack Obama, United States Senator Charles Schumer, United States Senator Kirsten Gillibrand, United States Representative Thomas Reed, United States Senate Majority Leader Mitch McConnell, United States Senate Minority Leader Harry Reid, United States House of Representatives Speaker John Boehner, and United States House of Representatives Minority Leader Nancy Pelosi, to vigorously oppose the proposed reductions in funding for the Community Development Block Grant (CDBG) and HOME Program and the elimination of the "grandfathering" of metropolitan cities not meeting population levels for which they initially qualified as a HUD Entitlement Community; and be it

FURTHER RESOLVED, that the City Clerk is hereby authorized to communicate the concerns of the Jamestown City Council by transmitting certified copies of this resolution to President Barack Obama, United States Senator Charles Schumer, United States Senator Kirsten Gillibrand, United States Representative Thomas Reed, United States Senate Majority Leader Mitch McConnell, United States Senate Minority Leader Harry Reid, United States House of Representatives Speaker John Boehner, and United States House of Representatives Minority Leader Nancy Pelosi.

Carried: 9 - 0

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201508B16

BY COUNCILMAN DOLCE:

RESOLVED, That Police Officer John Rader be and he hereby is authorized to attend the New York State Children's Justice Task Force Forensic Interviewing Best Practices Training in Rochester, New York, September 16-19, 2015 with expenses paid by the Child Advocacy Program of Chautauqua County.

Carried: 9 - 0

There being no further business, the meeting was adjourned.

James N. Olson  
Director of Financial Services/City Clerk