

November 16, 2015

City Council

Proceedings by Authority

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

A special meeting of the City Council of the City of Jamestown, New York was held on Monday, November 16, 2015 at 6:30 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: Director of Financial Services/City Clerk James N. Olson, 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 asked Director of Financial Services/City Clerk to read the legal notice.

PLEASE TAKE NOTICE that a Special Meeting of the Jamestown City Council will be held at 6:30 p.m., Monday November 16, 2015 in the City Council Chambers, Municipal Building, 200 E. 3rd Street, Jamestown, New York pursuant to Section 5-2 H. of the City Code to discuss and take possible action on the following:

1. A Local Law authorizing a property tax levy in excess of the limit established in General Municipal Law §3-c.
2. A resolution authorizing the sale of parcel 387.48-1-2 and a segment of Rose Alley abutting said parcel to the National Comedy Center.

Gregory P. Rabb
City Council President

Publication Date: November 6, 2015

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MESSAGES FROM THE MAYOR

201511C00.01

Councilmembers:

In accordance with the provisions of Section 20-4 of the Municipal Home Rule Law of the State of New York and in my capacity as Chief Executive Officer of the City of Jamestown in response to a request made by members of the Jamestown City Council, I do hereby certify that there is a necessity for immediate passage of Local Law Number One of 2015 entitled A Local Law Authorizing a Property Tax Levy in Excess of the Limit Established in General Municipal Law, Section 3-C. This certification is intended to allow passage of this local law by the Jamestown City Council on or before November 16, 2015 so that a public hearing pursuant to Section 20-5 of the Municipal Home Rule Law may be scheduled for 9:00 am, November 30, 2015 in the Police Training Room located on the fourth floor of the Municipal Building, Jamestown, New York.

Sincerely,

Samuel Teresi

Mayor

STANDING COMMITTEES

FINANCE COMMITTEE

201511C01

BY COUNCILMAN DOLCE:

A local law authorizing a property tax levy in excess of the limit established in General Municipal Law §3-c

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

Section 1. Legislative Intent: It is the intent of this local law to allow the City of Jamestown to adopt a budget for the fiscal year commencing January 1, 2016 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law § 3-c.

Section 2. Authority: This local law is adopted pursuant to subdivision 5 of General Municipal Law §3-c, which expressly authorizes a local government’s governing body to override the property tax cap for the coming fiscal year by the adoption of a local law approved by a vote of sixty percent (60%) of said governing body.

Section 3. Tax Levy Limit Override: The City Council of the City of Jamestown, County of Chautauqua, is hereby authorized to adopt a budget for the fiscal year commencing January 1, 2016 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law §3-c.

Section 4. Severability: If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court's order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective date: This local law shall take effect immediately upon filing with the Secretary of State.

Councilman Dolce: Just a brief comment. This is a procedural move. It does not lock us into exceeding the tax limit. It just gives us the time in the event that we would have to exceed the tax limit to get the budget passed. In previous years, I believe in 2012 and 2013 we went through the same move and were fortunate enough not to have to utilize this. Last year we did not even pass this so we have not exceeded the tax limit before, but this gives us the time in the event that we aren't able to come up with a budget that is under the tax cap. I just wanted to make that clear; that this does not lock us into exceeding the tax cap, it only gives us the time and gives us the procedural move in the event that we have to by the end of the month. Thank you.

Carried: 7 – 2 (Sheldon, Pagan, nay)

201506C02

BY COUNCILMAN DOLCE:

WHEREAS, the Planning Commission of the City of Jamestown voted on October 21, 2014, to recommend to the Jamestown City Council that the City-owned property known as Parcel 387.48-1-2 that is located on the corner of West Second Street and Washington Street, be sold to the National Comedy Center in an amount not to exceed One Hundred Twenty Thousand Dollars (\$120,000) and the segment of Rose Alley abutting said section is set at Ten Thousand Dollars (\$10,000); and

WHEREAS, in accordance with resolution 201501A07, adopted by the Jamestown City Council on January 26, 2015, authorized the Mayor of the City of Jamestown to execute a quit claim deed on the above referenced property for the amount of One Hundred Thirty Thousand Dollars (\$130,000.00) once the following requirements were met prior to the sale and transfer of title of property to the NCC:

1. The City's public use of the property has ended, which is currently projected to occur by mid-2015;
2. The NCC will complete an environmental review of the property at a mutually agreed to point in the project development and upon closing and transfer of the property the NCC will provide the City with indemnification in relation to any findings as a result of the environmental review and all other subsequent matters identified following the transfer of the property, and

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3. The NCC will submit verification that the project is actually ready to proceed as outlined in its proposal to the State of New York, and will confirm that all funding has been secured for the project, the site and building plans have been submitted and approved and building permits have been issued, and

WHEREAS, it has been determined by the Corporation Counsel that the aforementioned conditions have now been met, and

WHEREAS, notice of the City of Jamestown's intention to sell the aforesaid property was published in The Post-Journal on November 6, 2015, and thereafter a public hearing was held on November 16, 2015, 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 the City of Jamestown-owned property known as Parcel 387.48-1-2 that is located on the corner of West Second Street and Washington Street, as shown on the Official Tax Map of the City of Jamestown, be and the same hereby shall be sold in its entirety to the National Comedy Center, 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 sale of the above-described property, and be it further

RESOLVED, That the Mayor be and he hereby is authorized and directed to execute a quit claim deed conveying all of the City of Jamestown's right, title and interest to the National Comedy Center.

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:

SCHEDULE "A"

Description of 203 West Second Street:

ALL THAT TRACT OR PARCEL OF LAND, situate in the City of Jamestown, County of Chautauqua and State of New York, being part of Lot No. 34, Town 2 and Range 11 of the Holland Land Company's Survey, and being more particularly bounded and described as follows:

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BEGINNING at a point on the existing westerly boundary of Washington Street at its intersection with the existing southerly boundary of West Second Street extended easterly; thence South 12° 15' 30" East along said westerly boundary of Washington Street, a distance of 172.56 feet to a point at the northeasterly corner of lands conveyed to the Atlantic and Great Western Rail Road Company as described in Warranty Deed dated March 14, 1863 and recorded in the Chautauqua County Clerk's Office in Liber 97 of Deeds at page 582; thence South 87° 35' 43" West along the southerly boundary of said lands conveyed to the Atlantic and Great Western Rail Road Company, which is also the northerly boundary of lands of the former Erie Railroad (presently occupied by the Chautauqua, Cattaraugus, Allegany & Steuben Southern Tier Extension Railroad Authority), a distance of 122.30 feet to a point on the existing easterly boundary of Rose Alley; thence North 12° 07' 53" West along said alley boundary, a distance of 151.84 feet to a point formed by the intersection of said alley boundary with the extension easterly of said southerly boundary of West Second Street; thence North 77° 50' 30" East along the extension easterly of said West Second Street boundary and through lands conveyed by Niagara, Lockport and Ontario Power Company to the City of Jamestown, hereinafter referenced, a distance of 120.16 feet to the point or place of beginning. Containing 19,519 square feet, more or less.

SCHEDULE "A" CONTINUED

North is related to prior surveys.

Being part of the same premises conveyed by Niagara, Lockport and Ontario Power Company to the City of Jamestown as described in a Warranty Deed dated August 20, 1931 and recorded in the Chautauqua County Clerk's Office on September 23, 1933 in Liber 605 of Deeds at page 67.

According to a survey and map made by GPI Engineering and Surveying, LLP dated September 30, 2015 designated as Job No. 03-14-02B.

Description of Rose Alley:

ALL THAT TRACT OR PARCEL OF LAND, situate in the City of Jamestown, County of Chautauqua, State of New York, being part of Lot No. 34, Town 2 and Range 11 of the Holland Land Company's Survey, and being more particularly bounded and described as follows:

BEGINNING at a point on the existing southerly boundary of West Second Street at its intersection with the present westerly boundary of Rose Alley, said point being at the northwesterly corner of lands conveyed by the Erie Land and Improvement Company to the City of Jamestown, hereinafter referenced, thence South 12° 07' 53" East along said westerly boundary of Rose Alley and along the westerly line of said lands conveyed to the City of Jamestown, a distance of 132.42 feet to a point at the southwest corner thereof; thence South 88° 06' 03" East along the southerly line of said lands conveyed to the City of Jamestown, a distance of 14.43 feet to a point at the southeast corner thereof and on the original westerly boundary of Rose Alley; thence South 12° 07' 53" East along said (original) westerly boundary of Rose Alley, a distance of 38.82 feet to a point on the northerly boundary of former West First Street, which is also the northerly boundary of the former Erie Railroad (presently occupied by

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the Chautauqua, Cattaraugus, Allegany & Steuben Southern Tier Extension Railroad Authority); thence North 78° 10' 54" East along said railroad boundary, a distance of 16.16 feet to a point at its intersection with the existing easterly boundary of Rose Alley; thence North 12° 07' 53" West along said easterly alley boundary, a distance of 174.84 feet to a point formed by the intersection of said alley boundary with the extension easterly of said southerly boundary of West Second Street; thence South 77° 50' 30" West, a distance of 30.16 feet to the point or place of beginning. Containing 4,704 square feet, more or less.

Being a part of the same premises conveyed by the Erie Land and Improvement Company to the City of Jamestown, as described in a Quit Claim Deed dated November 25, 1931 and recorded in the Chautauqua County Clerk's Office on April 19, 1932 in Liber 594 of Deeds at page 136, described as Parcel No. 2 therein, and all of Rose Alley originally a 16 foot wide right of way lying between the existing southerly boundary of West Second Street extended easterly and the northerly boundary of former West First Street (northerly boundary of the former Erie Railroad).

According to a survey and map made by GPI Engineering and Surveying, LLP dated September 30, 2015, designated as Job No. 03-14-02B.

Carried: 9 - 0

There being no further business, the meeting was adjourned.

James N. Olson
Director of Financial Services/City Clerk