

December 28, 2015

City Council

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Proceedings by Authority

State of New York

City of Jamestown

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City Council Chambers

A meeting of the City Council of the City of Jamestown, New York was held on Monday, December 28, 2015 at 7:30 p.m.

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

Members Absent: Tom Nelson

Others Present: Mayor Sam Teresi, Director of Financial Services/City Clerk James N. Olson, City Comptroller Joe Bellitto, Police Captain Todd Isaacson, Deputy Fire Chief Chet Harvey, 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 Rev. Dr. William Blair of the New Creation Assembly of God.

Councilman Spitale moved to approve the minutes from the November30, 2015 meeting.

**OPPORTUNITIES FOR PERSONS TO ADDRESS THE COUNCIL**

201512A00.01

David George Tharaeparambil 29 Highland Ave.: I came here to congratulate Sam for winning the election. He was not unopposed. I .....too. I had a write-in campaign; 38 votes. That means including me, 37 other people agree that there must be an opposition. That's the process of democracy. I have been teaching American politics for 49 years and one of the lessons that I used to teach was power corrupts; absolute power corrupts, absolutely. Anytime you have a person running for office, there is no term limit, there are no limitations, it's not an official power of government. The reason why I'm here is because I like to find out what is the process that we have to go through to put term limits in the local law. Thank you.

**STANDING COMMITTEES**

**FINANCE COMMITTEE**

201512A01

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 \$7,360,973.75

in accordance with the period ending December 25, 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 \$6,065,548.42 and payrolls in the total amount of \$1,295,425.33 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

201512A02

BY COUNCILWOMAN ECKLUND:

RESOLVED, That Mayor Sam Teresi and City Council members be, and they hereby are, authorized to attend meetings of the Chautauqua County Conference of Mayors, the Southern Tier West Regional Planning and Development Board, the New York State Conference of Mayors, the National League of Cities and any other job related conferences during 2016, with expenses paid pursuant to Section 77-b of the General Municipal Law.

Carried: 8 – 0

201512A03

BY COUNCILWOMAN ECKLUND:

RESOLVED, That Key Bank of New York, N.A., Jamestown Office, Jamestown, New York; Key Banc Capital Markets, Jamestown, New York; First Niagara Commercial Bank, Lockport, New York and New York State Investment Firms be and hereby are designated as depositories of the City of Jamestown and that they be and hereby are requested, authorized and directed to honor checks, drafts, or other orders for payment of money drawn in the City's name, including those payable to the individual order of any person or persons whose name or names appear thereon as a signer or signore thereof, when bearing or purporting to bear the facsimile signatures of the City Comptroller and Director of Financial Services and the above mentioned banks shall be entitled to honor and charge this city for such checks, drafts or other orders, regardless of by whom or by what means the actual or purposed facsimile signatures or signature thereon may have been affixed thereto, if such signature or signatures resemble the facsimile

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specimen duly certified to or filed with the above mentioned banks by the Director of Financial Services of the City of Jamestown.

Carried: 8 – 0

201512A04

BY COUNCILWOMAN ECKLUND:

WHEREAS, Section 104-b of the General Municipal Law requires the governing body of every municipality to adopt a procurement policy for all goods and services which are not required by law to be publicly bid, and

WHEREAS, comments have been solicited from all officers in the city involved in the procurement process, now, therefore be it

RESOLVED, that the City of Jamestown does hereby adopt the following procurement policy for the year 2016 which is intended to apply to all goods and services which are not required by law to be publicly bid.

#### PROCUREMENT POLICY FOR THE CITY OF JAMESTOWN

1. Every purchase to be made must be initially reviewed to determine whether it is a purchase contract or a public works contract. Once that determination is made, a good faith effort will be made to determine whether it is known or can reasonably be expected that the aggregate amount to be spent on the item of supply or service is not subject to competitive bidding, taking into account past purchases and the aggregate amount to be spent in a year. The following items are not subject to competitive bidding pursuant to Section 103 of the General Municipal Law: purchase contracts under \$20,000 and public works contracts under \$35,000; emergency purchases; goods purchased from agencies for the blind or severely handicapped; goods purchased from correctional institutions; purchases under state and county contracts; and surplus and second-hand purchases from another governmental entity.

The decision that a purchase is not subject to competitive bidding will be documented in writing by the individual making the purchase. This documentation may include written or verbal quotes from vendors, a memo from the purchaser indicating how the decision was arrived at, a copy of the contract indicating the source which makes the item or service exempt, a memo from the purchaser detailing the circumstances which led to an emergency purchase, or any other written documentation that is appropriate.

2. All goods and services will be secured by use of written requests for proposals, written quotations, verbal quotations, or any other method that assures that goods will be purchased at the lowest price and that favoritism will be avoided, except in the following circumstances: purchase contracts over \$20,000 and public works contracts over \$35,000; goods purchased from agencies for the blind or severely handicapped pursuant to Section 175-b of the State Law; goods purchased from correctional institutions pursuant to Section 186 of the Correctional Law; purchases under State contracts pursuant to Section 104 of the General Municipal Law;

purchases under county contracts pursuant to Section 103(3) of the General Municipal Law; or purchases pursuant to subdivision 6 of this policy:

Procurement Policy for the City of Jamestown

3. The following method of purchase will be used when required by this policy in order to achieve the highest savings:

<u>Estimated Amount of Purchase Contract</u>	<u>Method</u>
\$500 - \$2,999	2 verbal quotations
\$3,000 - \$9,999	3 written/fax quotations or written request for proposals

Estimated Amount of Public Works Contract

\$500 - \$2,999	2 verbal quotations
\$3,000 - \$4,999	2 written/fax quotations
\$5,000 - \$19,999	3 written/fax quotations or written request for proposals

A good faith effort shall be made to obtain the required number of proposals or quotations. If the purchaser is unable to obtain the required number of proposals or quotations, the purchaser will document the attempt made at obtaining the proposals. In no event shall the failure to obtain the proposals be a bar to the procurement.

4. Documentation is required of each action taken in connection with each procurement.
5. Documentation and an explanation are required whenever a contract is awarded to other than the lowest responsible offer. This documentation will include an explanation of how the award will achieve savings or how the offer was not responsible. A determination that the offer is not responsible shall be made by the purchaser and may not be challenged under any circumstances.
6. Pursuant to General Municipal Law Section 104-b(2) (f), the procurement policy may contain circumstances when, or types of procurements for which, in the sole discretion of the governing body, the solicitation of alternative proposals or quotations will not be in the best interest of the municipality. In the following circumstances it may not be in the best interests of the City of Jamestown to solicit quotations or document the basis for not accepting the lowest bid:

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- a. Professional services or services requiring special or technical skill, training or expertise. The individual or company must be chosen based on accountability, reliability, responsibility, skill, education and training, judgment, integrity, and moral worth. These qualifications are not necessarily found in the individual or company that offers the lowest price and the nature of these services are such that they do not readily lend themselves to competitive procurement procedures.

In determining whether a service fits into this category, the City Council shall take into consideration the following: (a) whether the services are subject to State licensing or testing requirements; (b) whether substantial formal education or training is a necessary prerequisite to the performance of the services; and (c) whether the services require a personal relationship between the individual and municipal officials. Professional or technical services shall include but not be limited to the following: services of an attorney; services of a physician; technical services of an engineer or architect engaged to prepare plans, maps and estimates; securing services of a certified public accountant; investment management services; printing services involving extensive writing, editing or art work; management of municipally owned property; and computer software or programming services for customized programs, or services involved in substantial modification and customizing of pre-packaged software.

- b. Emergency purchases pursuant to Section 103(4) of the General Municipal Law. Due to the nature of this exception, these goods or services must be purchased immediately and a delay in order to seek alternate proposals may threaten the life, health, safety or welfare of the residents. This section does not preclude alternate proposals if time permits.
  - c. Purchases of surplus and second-hand goods from any source. If alternate proposals are required, the City is precluded from purchasing surplus and second-hand goods at auctions or through specific advertised sources where the best prices are usually obtained. It is also difficult to try to compare prices of used goods and a lower price may indicate an older product.
  - d. Goods or services under \$500. The time and documentation required to purchase through this policy may be more costly than the item itself and would therefore not be in the best interests of the taxpayer. In addition, it is not likely that such deminimis contracts would be awarded based on favoritism.
7. This policy shall go into effect immediately and will be reviewed annually.

Carried: 8 – 0

201512A05

BY COUNCILMAN DOLCE:

RESOLVED, that the City Comptroller be and he hereby is authorized to affect the 2015 General Fund overdrafts as follows:

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<b>TO:</b>	<u>GENERAL GOVERNMENT SUPPORT</u>	<u>257,148.00</u>
A1010.400	City Council	62,500.00
A1210.100	Mayor	1,980.00
A1210.200	Mayor	137.00
A1310.100	Director of Finance	3,890.00
A1310.400	Director of Finance	400.00
A1315.100	Comptroller	7,260.00
A1315.200	Comptroller	916.00
A1315.400	Comptroller	300.00
A1325.100	Treasurer	4,300.00
A1325.400	Treasurer	1,200.00
A1355.100	Assessment	11,225.00
A1355.400	Assessment	3,500.00
A1410.100	City Clerk	2,785.00
A1410.200	City Clerk	915.00
A1410.400	City Clerk	3,000.00
A1420.100	Corporation Counsel	3,740.00
A1435.100	Human Resources	300.00
A1440.100	Engineer	23,350.00
A1440.400	Engineer	1,000.00
A1621.100	Building - Steele St.	4,160.00
A1621.400	Building - Steele St.	3,000.00
A1640.200	Central Garage	240.00
A1680.200	Information Services	12,950.00
A1930.400	Judgements & Claims	100,000.00
A1950.400	Taxes and Assessments	4,100.00

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<u>PUBLIC SAFETY</u>			<u>44,700.00</u>
A3020.400	Communications	4,000.00	
	Court		
A3170.100	Security	18,000.00	
	Traffic		
A3310.100	Control	7,700.00	
A3410.100	Fire	15,000.00	
<u>TRANSPORTATION</u>			<u>158,021.00</u>
A5010.100	Streets Administration	1,900.00	
A5010.400	Streets Administration	500.00	
A5110.100	Street Maintenance	115,000.00	
	Snow		
A5142.400	Removal	40,000.00	
A5150.400	Other Street Activities	621.00	
<u>RECREATION</u>			<u>68,706.00</u>
A7020.100	Recreation Administration	4,000.00	
A7110.400	Parks	4,000.00	
A7130.100	Code Enforcement	4,500.00	
A7140.100	Summer Playgrounds	2,603.00	
A7140.400	Summer Playgrounds	902.00	
A7210.100	Stadium	36,460.00	
A7210.400	Stadium	10,000.00	
A7265.400	Skating Rink	2,000.00	
A7311.400	Youth Programs	975.00	
A7520.400	Historical Society	2,000.00	
A7557.400	Historical Marker	266.00	
A7623.400	Senior Citizens Center	1,000.00	

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	<u>UNDISTRIBUTED</u>		<u>377,290.00</u>
A9060.800	Health Insurance	267,289.00	
A9551.500	Capital - CHIPS	106,459.00	
A9731.700	Interest - Bond Anticipation Notes	3,542.00	
<b>FROM:</b>	<u>GENERAL GOVERNMENT SUPPORT</u>		<u>198,137.00</u>
A1620.100	City Hall	23,000.00	
A1910.400	Unallocated Insurance	10,000.00	
A1990.400	Contingency	165,137.00	
	<u>PUBLIC SAFETY</u>		<u>40,000.00</u>
A3120.100	Police	40,000.00	
	<u>TRANSPORTATION</u>		<u>280,000.00</u>
A5110.400	Street Maintenance	200,000.00	
A5142.100	Snow Removal	80,000.00	
	<u>RECREATION</u>		<u>95,000.00</u>
A7110.100	Parks	75,000.00	
A7120.100	Tree Maintenance	20,000.00	
	<u>UNDISTRIBUTED</u>		<u>169,519.00</u>
A9010.800	Employees Retirement System	18,116.00	
A9015.800	Police & Fire Retirement System	112,223.00	
A9030.800	Social Security	10,000.00	
A9040.800	Workers Compensation	20,000.00	
A9050.800	Unemployment Insurance	8,000.00	
A9785.900	Installment Debt - BPU	1,180.00	

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<u>REVENUES</u>			<u>123,209.00</u>
A0000.2070	Contributions - Private Agencies	1,000.00	
A0000.3501	State Highway Aid - CHIPS	106,459.00	
A0000.3902	State Aid - Planning Studies	15,750.00	

Carried: 8 – 0

201511E06

BY COUNCILMAN DOLCE:

RESOLVED, That the Mayor of the City of Jamestown be and he hereby is authorized to enter into a contractual agreement with DNA Diagnostics Center (DDC), One DDC Way, Fairfield, OH 45014, for the rental of office space for DNA testing on behalf of the Chautauqua County Child Support/Social Services in the amount of \$175.00 per month for the time period January 1, 2016 to December 31, 2017 with the option to renew for up to two (2) additional terms subject to the approval of the Corporation Counsel as to form.

Carried: 8 – 0

201512A07

BY COUNCILMAN DOLCE:

RESOLVED, that the Mayor be, and he hereby is, authorized to enter into an agreement with the County of Chautauqua for Snow Removal & Ice Control Services (16-25-02), for the time period November 1, 2015 through April 30, 2018, in the amount of \$4,916.00 per center line mile for the 2015-2016 season, \$5,162.00 per center line mile for the 2016-2017 season and, \$5,420.00 per center line mile for the 2017-2018 season subject to the approval of the Corporation Counsel as to form.

Carried: 8 – 0

201512A08

BY COUNCILMAN DOLCE:

WHEREAS, On January 22, 2002 the Jamestown City Council adopted resolution number 200201C03 that effective immediately and until further notice instituted a hiring freeze for the City of Jamestown, and

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WHEREAS, On November 20, 2006 the Jamestown City Council adopted resolution number 200611B17 to extend the freeze to any change in employment from Part-Time to Full-Time status, and

WHEREAS, it has become apparent that within the Department of Parks, Recreation and Conservation an effort to effectively manage the city's day-to-day responsibilities in a cost efficient manner, it is in the City of Jamestown's best interest to lift the hiring freeze for a certain positions, now therefore be it

RESOLVED, that effective immediately the Jamestown City Council hereby suspends the hiring freeze instituted by resolution number 200201C03 and resolution number 200611B17 authorizing the filling of the following positions due to the essential nature of the position.

- One (1) Laborer (Retirement - funded in the 2016 General Fund Budget).

Carried: 7 – 1 (Sheldon – nay)

201512A09

BY COUNCILWOMAN CARRUBBA:

RESOLVED, That the regular meetings of the City Council of the City of Jamestown shall be held in the City Council Chambers, Municipal Building at 7:30 p.m. beginning the evening of January 25, 2016 and on scheduled Monday evenings thereafter in the year 2016, at the same time and place.

January 25  
February 29  
March 28  
April 25  
May 23  
June 27

July 25  
August 29  
September 26  
October 24  
November 28  
December 19

Carried: 8 – 0

**PUBLIC SAFETY COMMITTEE**

201512A10

BY COUNCILWOMAN CARRUBBA:

RESOLVED, That The Post-Journal be and it hereby is designated as the official newspaper for the publications of proceedings and official notices for the City of Jamestown for the period January 1, 2016 through December 31, 2016.

Carried: 8 – 0

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201512A11

BY COUNCILWOMAN JONES:

RESOLVED, That the Jamestown City Council hereby grants the following organizations a Games of Chance (Bell Jar) license for the 2016 calendar year:

Jamestown Lodge #263 BPO Elks

Chautauqua Aerie #2145, Fraternal Order of Eagles, Inc.

Loyal Order of Moose Lodge #1681

Women of the Moose Chapter 87

Jamestown Vietnam Veterans

ILS Veterans Club Inc.

Carried: 8 – 0

201512A12

BY COUNCILWOMAN JONES:

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

WHEREAS, the upper Dearborn 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: 8 – 0

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NEW BUSINESS

201512A13

BY COUNCILWOMAN ECKLUND:

RESOLVED, That the Mayor be, and he hereby is, authorized and directed to enter into a lease agreement with Chautauqua County for rental of approximately three hundred twenty-four (324) square feet of office space on the third floor of the Municipal Building for use by the Chautauqua County Public Defender Office, which lease shall commence July 1, 2015 through December 31, 2018 with rental payments as follows:

July 1, 2015 through December 31, 2016	\$ 2,400 per year
January 1, 2017 through December 31, 2017	\$ 3,300 per year
January 1, 2018 through December 31, 2018	\$ 3,600 per year

subject to the approval of the Corporation Counsel as to form.

Carried: 8 – 0

201512A14

BY COUNCILMAN DOLCE:

WHEREAS, On March 23, 2009 the Jamestown City Council approved a loan for two hundred seventy-five thousand dollars (\$275,000) at a rate of 6% interest for 10 years by the Jamestown Local Development Corporation through the Jobs and Private Investment Loan Program Tier I to Shults Real Estate, LLC Signature Nissan Subaru with collateral being a blanket mortgage position behind GMAC on the real properties located at 254 Fluvanna Avenue, 305 Fluvanna Avenue, 311 Fluvanna Avenue, 316 Fluvanna Avenue, 320 Fluvanna Avenue, 1315 Washington Street Jamestown, New York, 3979 Vineyard Drive, Dunkirk, New York, with additional filings at 3004 West State Street, Olean, New York, 104 Independence Avenue, Olean, New York, 1658 North Market Street, Warren, Pennsylvania, 880 East Main Street Foster Township, PA, and 824 East Main Street, Bradford, Pennsylvania, and personal guarantees from Edmond R. Shults, Jr. and Tim Shults; and

WHEREAS, Shults Real Estate, LLC seeks to make, modify, continue or extend a loan in the amount of \$637,500.00 from ErieBank to improve adjoining properties at 1315 and 1405 Washington Street, Jamestown, NY, with the condition precedent that a first priority secured mortgage interest in, or deed of trust or similar agreement covering: Land and Buildings of Shults Real Estate, LLC located at 1315 Washington Street, Jamestown, New York SBL#s:(370.18-1-14) recorded on April 14, 2009 in Liber 3079 Mortgages at page 322, and hereby requested a SUBORDINATION AGREEMENT for the above mentioned parcel in the City of Jamestown and would be subject to, secondary to and subordinate to the ErieBank Mortgages; and

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WHEREAS, it has been determined that the remaining collateral and personal guarantees are sufficient to secure the remaining loan; now therefore be it

RESOLVED, that the Jamestown City Council hereby authorizes the Mayor to execute said subordination documents with ErieBank on behalf of the City of Jamestown along with personal guarantees from Edmund R. Shults, Jr. and Tim Shults shall remain in effect as collateral for the remaining loan balance.

Carried: 8 – 0

201512A15

BY COUNCILMAN DOLCE:

RESOLVED, that the Mayor and Police Chief/Director of Public Safety be and they hereby are, authorized to enter into a purchase agreement with Delacy Ford, 3061 Transit Road, Elma, New York 14059 for three (3) 2016 Ford Police Interceptors in an amount not to exceed Seventy-five Thousand, Five Hundred Eighty-Two Dollars (\$75,582.00), (\$25,194 individually) paid for with Insurance Reimbursement monies, STOP DWI Funds and Asset Forfeiture Funds subject to the approval of the Corporation Counsel as to form.

Carried: 8 – 0

Councilman Dolce: I just wanted to take this opportunity since it's his last meeting tonight to recognize and thank Councilman Pagan for his service to the community, to the city. He came onboard, last fall, a year ago; right in the middle of a budget season. He's been a very integral part of the budget discussions. He's offered a lot. He's represented the Third Ward very well and he's a very active member in our community, a civic leader and minister and I just wanted to take this opportunity to thank him for his service to the City of Jamestown and certainly we know he'll continue to serve in other capacities. So at this time, I wanted to, as his last official meeting here in 2015, to take the time to thank him on behalf of the City Council.

Councilman Dolce: Just one other comment. I know that David George has left us. I wish he had stayed, but I believe that if there was a move to have term limits it would be a charter change and it would have to actually be voted on by the members of the public in a referendum. Just to answer that question. I believe, I may be mistaken, at one time there was a discussion of that or an actual vote on that years ago; I'm not sure. I know we changed the length of term limits, or sought to change the length of term limits. I'm not sure if we actually discussed a specific limit overall, but it was voted down. I know that the length in term limit was voted down, I'm not sure if we actually had a term limit though.

Mayor Teresi: Excuse me, I believe that at the time that the term of office for the mayor was changed, which would have been 1994, the referendum, there were proposals to increase the term of office for the city council, increase the term of office for the mayor to four years and extend term limits on all offices. The only referendum item that passed was extending the term of office for the mayor to four years. My understanding also, we can leave this open for City Clerk, Corporation Counsel to research, but if term limits, change to the charter went into effect,

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it would go into effect in the next term of office. Not the term of office of the current office holder; whether it be for city council members or the executive position.

Council President Rabb: Before we recess the meeting, I would just like to invite everyone to come on Friday, January 1<sup>st</sup>. I know what better way to spend your New Year's Day than joining us in this room at noon for the swearing in of the 2016-2017 council members as well as county legislators and city department heads; especially to our friends in the media. If you get the word out that everyone's welcome, we'd love to have everyone join us that day.

There being no further business, the meeting was recessed until 12 o'clock Noon on January 1, 2016.

James N. Olson  
Director of Financial Services/City Clerk