

March 23, 2009

City Council

Proceedings by Authority

State of New York
City of Jamestown
City Council Chambers

ss:

A regular meeting of the City Council of the City of Jamestown, New York was held on Monday, March 23, 2009 at 7:30 p.m.

Members Present: Council President Greg Rabb, Council Members, Steve Szwejbka, Anthony Dolce, Michael Taylor, Vince DeJoy, Maria Jones, Paul Whitford, Kim Ecklund and George Spitale

Others Present: Mayor Samuel Teresi, Director of Finance/City Clerk James N. Olson, Corporation Counsel Marilyn Fiore-Nieves, Comptroller Joe Bellitto, Director of Public Works Jeff Lehman, Deputy Fire Chief Lance Hedlund, Director of Public Safety/Police Chief Rex Rater, Matt Hanley and Greg Lindquist

Council President Rabb called the meeting to order.

Councilwoman Maria Jones gave the invocation.

Councilman Dolce moved to approve the minutes from the February, 2009 meeting.

OPPORTUNITIES FOR PERSONS TO ADDRESS THE COUNCIL

200903A00.01

Peter Morgante, 134 Euclid Avenue – once again I'm here, as usual, and I think this is a banner year for Jamestown and all the talk in the City of Jamestown is what are we going to do and how are we going to survive? It doesn't seem that nobody speaks up for the people in the City of Jamestown. It's just unbelievable. They just don't seem to be concerned and people...I'm not talking about...the business people – they're suffering out there. And we're seeing what's going on and nothing is being done to even put any help for these people at all. People are walking away from their businesses, shutting the doors, they can't sell them, and just walking away. People that own houses are having them torn down hoping somebody will take the land and develop it because they can't afford the taxes, and this is happening all over the City. It's unbelievable that nothing's being done – I don't know what can be done, but there is something in our City of Jamestown that is so discouraging to live here, and it's got to be the property taxes and the service fee. They keep going up and up and up and you people seem to disregard everything. All over everybody's worried about the property taxes and nothing is said in our City about this issue. Tonight you're going to get us more in debt with that parking ramp over there that supposedly has got to be fixed and you're going to create another bond issue, another debt that the property owners and the people and the taxpayers are going to be forced to pay and this is what's happening. You got bad news last week – I

March 23, 2009

don't know what – but it just seems that in all that bad news on that stimulus program that you're not going to get any money. Now all of a sudden, you're going to go out and borrow the money to spend it to fix up the services instead of cutting back. You've got to consider the property owners in the City who want to stay in Jamestown and hold on to their houses. And you can't keep continuing spending money that you don't have and going in debt that you're going to cause. Last month's contract vote on the contract was the biggest scam I've ever seen – I don't know if scam is the word, but three of you voted against it because you said we can't afford it, even though you agreed that it's supposed to be there, but you publicly come out and says we can't afford this. The last time I heard that out of a Councilman and too bad that none of you here is as old as I am, but when they wanted to build the parking ramp over there on Third and Washington and our ex-mayor Kimball says "I got to vote against it because the people can't afford it." And they didn't build it. This is what...we've got to have somebody to stop the spending. You're bleeding us dry. You keep getting us more and more in debt and this is what's going on all over the country and more so in Jamestown. We've got to cut back. We see the headlines in the paper blaming everything on the Union Contracts, all on the wages of the employees. Beating the public – they are the problem. No it's not. It's the problem of the system that we give there...it's a 3% raise and the truth is never coming out on those headlines in the paper for the things. Now, I just want to read you one little bit of an article from Ms. Herbst on the Post-Journal. Thumbs down to another Jamestown City Union Contract that increases the costs at a time when the private sector economy is reeling. The time it is the Administrative Association which represents about 20 city workers. You just know that come autumn, the City Council and the Mayor will be wringing their hands about next year's budget, saying unavoidable cost increases including employee contracts are driving the tax levy higher. As Jamestown property owners stagger under the ever-increasing tax burden, they need to yell loud enough and long enough to be heard in Albany, where the State labor laws make it nearly impossible to do anything other than continually increase those contractual costs. Now tomorrow there's going to be a meeting at the BPU over the contracts of the garbage issue and if...nobody here can remember...but it was the garbage issue that caused all of the problems when Steve Carlson was the mayor and Carolyn Seymour was the mayor, Don Ahlstrom was the mayor, Dick Kimball was the mayor, and now it's facing you people again. The contract of the union people and that's what you're basing...and you're using the garbage men and the police contracts and the firemen will be next and this is what's wrong. Thank you.

200903A00.02

James Slagle, Hotel Jamestown, 110 W. Third Street – Again, Mike, this is addressed to you – how are we coming on Fourth Street – the two-ways?

Councilman Taylor: I think at this time that the focus of the City is the repair of Fifth Street and Sixth Street securing the funds for those, and I think those really take precedence over the traffic study, which since the last time you attended a meeting, at least to my knowledge, have not been talked about, has not been decided. I think these other matters before the City have taken precedence at this time; so for anything, I would

March 23, 2009

say that that study that was done and completed by the end of last year is on hold until some of these issues and things are worked out.

Mr. Slagle: Another thing I want to mention is the turning signals on these lights out here on the streets – it's like down on the corner of Third and Washington, they need to have arrow lights there because the people trying to go one way and they want to go the other way, they're going to end up in a bad wreck and the fact is the other day it almost happened. These lights around here are dangerous; especially up on Fourth Street – Fourth and Washington right there at the Golden Griddle – that needs an arrow light because they're turning left onto Fourth Street. There's only one light that really has signals on it and that's the one down here in Brooklyn Square, but we need them uptown up here. That's all on that part. Chief, I want to commend your people for what you're doing. I listen to you enough on the scanner and Mayor, you're doing a good job too as well. I don't get the paper much, but I listen you know, and our City is coming together. Look at the facework they did on our building down there. I think it looks beautiful. We need to get more stores open downtown, more business in the City of Jamestown for other people – not just me – everybody. We don't have nothing downtown no more. The theaters are all closed up and I wish somebody would buy the Wintergarden. If I had the money, I'd buy it. But I think all the Council members are doing the best they can for what they've got to work with, the Mayor and the Chief, and the Chief of the Fire Department – like I said, I was raised in this town. I seen this town grow up and stuff like that, but again, we all got to work together. Not just one person – it takes all of us, and I thank you very much.

REPORTS OF STANDING COMMITTEES

FINANCE COMMITTEE

200903A01

BY COUNCILMAN DOLCE:

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 \$4,241,131.74 in accordance with the period ending March 20, 2009, 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 \$2,890,018.11, and payrolls in the total amount of \$1,351,113.63, 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 ayes, 0 nays

March 23, 2009

200903A02

BY COUNCILMAN DOLCE:

RESOLVED, That the Mayor of the City of Jamestown be, and he hereby is, authorized to enter into a grant agreement with the Ralph C. Sheldon Foundation in an amount not to exceed \$5,000 for the purpose of funding a portion of the cost of the 2009 Parks, Recreation and Conservation Department Summer Playground Program subject to the approval of the Corporation Counsel as to form.

Councilman Dolce: I just want to note that this has gone on for the last several years and we certainly appreciate all the help we can get from the foundations, particularly the Sheldon Foundation, so that we can continue to fund and provide the summer parks and recreation playground program. Thank you.

Carried: 9 ayes, 0 nays

200903A03

BY COUNCILMAN DOLCE:

RESOLVED, That the Mayor of the City of Jamestown be, and he hereby is, authorized to enter into a agreement with the State of New York Unified Court System, Eighth Judicial District for the Operation and Maintenance of the Jamestown City Court facilities for the April 1, 2009 to March 31, 2012 time period subject to the approval of the Corporation Counsel as to form.

Carried: 9 ayes, 0 nays

200903A04

BY COUNCILMAN DOLCE:

RESOLVED, That the Mayor of the City of Jamestown be, and he hereby is, authorized to enter into a agreement with the Town of Busti for the rental of office space on the first floor of the Municipal Building in the amount of one dollar (\$1.00) per year beginning May 1, 2009 to April 30, 2014 subject to the approval of the Corporation Counsel as to form.

Carried: 9 ayes, 0 nays

200903A05

BY COUNCILMAN DOLCE:

RESOLVED, That the Mayor of the City of Jamestown be and he hereby is authorized to enter into a agreement with the Town of Ellicott for the rental of office space on the first floor of the Municipal Building in the amount of one dollar (\$1.00) per year beginning April 1, 2009 to April 30, 2014 subject to the approval of the Corporation

March 23, 2009

Counsel as to form.

Carried: 9 ayes, 0 nays

200903A06

BY COUNCILMAN DOLCE:

WHEREAS, the Jamestown Gateway Intermodal Station and Visitors Center Project in the City of Jamestown, Chautauqua County, is eligible for New York State Historic Tax Credits, Federal Historic Tax Credits and New Markets Tax Credits; and

WHEREAS, the City of Jamestown desires to syndicate the aforementioned tax credits in the open market; said tax credit representing an estimated two million dollar (\$2,000,000) in value on the open market and subsequent private capital injection upon sale; and

WHEREAS, the City of Jamestown has entered into an agreement for right of first refusal to syndicate the aforementioned tax credits with National Trust Community Development Corporation of Washington, DC; and

WHEREAS, to complete this transaction the City of Jamestown will require the services of a legal firm that that specializes in this particular area of law practice and Cannon, Heyman and Weiss, LLP, with offices located in Buffalo, New York has expertise in community development tax credit transactions and is familiar with projects in the City of Jamestown through the representation of the tax credit syndication that afforded capital injection into the Chadakoin Building; now therefore be it

RESOLVED, that the Jamestown City Council hereby authorizes the City of Jamestown to enter into an agreement with Cannon, Heyman and Weiss, LLP of Buffalo, New York for an amount not to exceed ninety thousand dollars (\$90,000.00) plus recoding and ancillary fees, said fees estimated to be three thousand five hundred dollars (\$3,500.00) associated with the aforementioned tax credit transaction; and it is further

RESOLVED, that the Mayor is hereby authorized to execute all necessary agreements, contracts or other documents as may be required to contract with Cannon, Heyman and Weiss, LLP on behalf of the City of Jamestown for the syndication of the tax credits associated with the Gateway Intermodal Station and Visitors Center.

Carried: 9 ayes, 0 nays

200903A07

BY COUNCILMAN DOLCE:

RESOLVED, that the Mayor is hereby authorized to enter into an agreement with Van Bortel Ford, 7325 Route 96, Victor, New York 14564, for (1) 2009 or newer Ford F-250XL 4x4 extended cab pickup truck for an amount not to exceed Twenty-four thousand seven hundred ninety seven dollars and twelve cents (\$24,797.12) through New York

March 23, 2009

State OGS Contract Number PC62886 Award 20339.

Carried: 9 ayes, 0 nays

200903A08

BY COUNCILMAN DOLCE:

WHEREAS, that Jamestown City Administrative Association (JCAA), through negotiations have arrived at the terms of a tentative agreement, and

WHEREAS, the City Council has, after much deliberation and discussion, considered all the terms contained within the tentative agreement, now; therefore, be it

RESOLVED, That the terms of the tentative agreement be, and hereby are, approved, and be it further

RESOLVED, That the Mayor be, and he hereby is, authorized to enter into a personnel agreement with the Jamestown City Administrative Association (JCAA), for the period covering January 1, 2009 through December 31, 2010, subject to the review and approval of the Corporation Counsel as to form.

Councilman DeJoy: Thank you. One month ago at our last voting session in February, we on the Council had the opportunity to set a benchmark as to the ratification of new contracts with our bargaining units and one that takes into consideration the current plight the resident taxpayers of Jamestown over the conventions of what can only be described as fair bargaining between the administration and the respective bargaining units. This Council chose with a five to three vote, not to upset the status quo and ratify the contract with the Kendall Club PBA which gave 3% raises for 2008 and 2009. Many of my colleagues cited the unfair rules of binding arbitration that are imposed upon us as a reason not to reject a negotiated settlement which absolutely has a great deal of validity, but I feel that hand wringing in that type of scenario will not bring about the necessary change. Mr. President, I said in my remarks last month that mine was not a vote against the JPD because I appreciate all that they do each and every day to keep our City safe, and I mean that with all sincerity and respect. We are once again faced with a decision to ratify or reject a negotiated contract with the JCAA. Again, I appreciate all the dedication and service to our community this small bargaining unit performs for the citizens of Jamestown; however today, we are not in a position to say thank you with a significant pay raise. If this were 2007, I would likely had not thought 2.75% increase as significant. In March, 2009 it's a totally different story. Unemployment is still rising; people are not spending money which leads to significantly lowered sales tax revenues; the unprecedented assault on Wall Street for which New York State so desperately depends upon for income taxes will put an even greater strain on New York State and their ability to send anticipated, or at least, budgeted AIM payments. So, in other words, we cannot continue to use the same assumptions in March of 2009 as were made in October of 2008 when we as a Council developed and passed the 2009 budget in September. Therefore Mr. President, I will again vote nay to ratify the contract with the JCAA. I do so with a message to the JCAA members that I appreciate the fact that these good people had absolutely nothing to do with the current economic troubles we face

March 23, 2009

here today. They weren't the ones that devastated our financial system with sub-prime mortgages, credit default swaps, bundled mortgage-backed securities. These hard working men and women only want to do their job and take care of their families. Unfortunately, the taxpayers of Jamestown also didn't play a role in this current economic challenge that we now face. They are at their limit, and I for one will not help them get pushed over that limit with another contract that has significant pay raises. Thank you Mr. President.

Councilman Dolce: I just want to make a comment too. I too will be voting no on this contract and just a couple of points. I know a month ago I was one of the people who did support the police raise. Obviously, there's some differences in the law in their ability to go to binding arbitration as Councilman DeJoy spoke about; also at the time, there's a difference in the timing of the negotiations and how far behind we were with the Police Department and how we were going to have to continue to go that direction. At this time, I will not be supporting this contract. I also felt last month that because of the situation with binding arbitration, we actually - a vote for that contract in the long run - probably could have saved us a significant amount of time and money in that process, and so my vote last time, although on the surface may look like we were giving away nice raises and cushy raises and saying thank you, I voted yes more because I've been here long enough to see what the arbitration process has done and what it can do and it was more of a vote in the long term to try to save money, so I will be voting no as well tonight. Thank you.

Councilwoman Ecklund: Tonight, I will also be voting no and I would like to echo what Councilman Dolce and Councilman DeJoy stated. My vote last month was really, honestly, the fact that we were 14 months behind, we were voting on a 2008 and a 2009 contract and the majority of it was the binding arbitration. This is a different contract - it employs between 20-25 individuals and we are voting on a 2009 - it has nothing to do with what was budgeted financially. We are voting on a 2009 and a 2010. The economy is much different today than it was. Had that contract with the Police Department been passed in a timely fashion...not blaming any one person, whether it was...how it worked out; but it was what it was and that was why we were forced to make the decision we made last month, so I too will be voting no on this contract tonight.

Councilwoman Jones: I agree also with the other comments that were made. I just don't think that this is the time for increases in contracts and so again, in keeping with the vote that I had last month, I agree as well with this that it should not occur. I will be voting no.

Council President Rabb relinquished the Chair to Councilman DeJoy.

Council President Rabb: I didn't prepare written comments this evening as I did with respect to the Police contract, but I do echo the sentiments of the two members of the Finance Committee that I serve with, Council Member DeJoy and Council Member Dolce and also Council Member Ecklund and Council Member Jones. I too will be voting no on this quite reluctantly. I like Council Member DeJoy, appreciate the work of the people who work for this City. I don't think we could get as much done as we do

March 23, 2009

without their hard work; but people often say to me that in Jamestown we have a taxation problem, and my response is that I think we have a revenue-expenditure problem and that is that we sometimes keep raising expenditures in situations where we have no choice, but there's no opportunities for us to identify additional revenues. Given the serious economic times that has not improved since the last time we had to vote on a contract, it will be reluctant, but I too will be voting no.

Council President Rabb returned to the Chair.

Denied: 2-7 (Szwejbka, Dolce,
DeJoy, Jones, Whitford, Ecklund, Rabb)

200903A09

BY COUNCILMAN DOLCE:

RESOLVED, That the Mayor of the City of Jamestown be, and he hereby is, authorized to enter into an agreement with Part D Advisors, Inc., 47799 Halyard Drive, Suite B, Plymouth, MI 48170, to provide the City of Jamestown implementation services with respect to the Medicare Part D Prescription Drug Program under the Medicare Modernization Act, for a period of two years effective March 30, 2009, at a fee equal to thirty percent (30%) of the Medicare Part D Drug Subsidy payment received by the City of Jamestown subject to the approval of the Corporation Counsel as to form.

Carried: 9 ayes, 0 nays

200903A10

BY COUNCILMAN DOLCE:

RESOLVED, That Mayor Samuel Teresi, and Police Chief/Director of Public Safety Rex Rater 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, 2008 and ending August 31, 2009, subject to the approval of the Corporation Counsel as to form.

Carried: 9 ayes, 0 nays

200903A11

BY COUNCILMAN DeJOY:

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

WHEREAS, on November 20, 2006 the Jamestown City Council adopted

March 23, 2009

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 Jamestown Finance Department 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 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 positions.

One (1) Account Clerk Typist in the Jamestown City Clerk/
Treasurer's Office (1 part-time to full-time employee
funded in the 2009 General Fund Budget).

Councilman Dolce: I just wanted to make one comment on that. This actually, in the long run, will save us money so on the surface, it looks like we're hiring more people, but because we're replacing the part-timer with a full-time employee – we actually save, I believe, about \$16,000 a year. On one hand we're talking about the economy and not passing contracts and saving money, and I just want to make sure that people understand that we're not adding another position, we're doing something that actually will save money.

Carried: 9 ayes, 0 nays

200903A12

BY COUNCILMAN DeJOY:

RESOLVED, That warrants be drawn and paid to the respective owners and paying agents the sum of thirty-five thousand four hundred three dollars and thirteen cents (\$35,403.13) in accordance with the bond and note requirements as follows:

Public Improvement Bonds, Series A, issue of March 9, 2006, thirty-five thousand four hundred three dollars and thirteen cents (\$35,403.13) for six months interest at 4.50% per annum on one million seven hundred thousand dollars (\$1,700,000).

Note: Refunding of 1994A and 1999B (partial) issues. Interest savings \$10,723.12 for this payment.

Carried: 9 ayes, 0 nays

March 23, 2009

200903A13

BY COUNCILMAN DeJOY:

RESOLVED, That warrants be drawn and paid to the respective owners and paying agents the sum of forty-eight thousand six hundred twenty-three dollars and seventy-five cents (\$48,623.75) in accordance with the bond and note requirements as follows:

Public Improvement Bonds, issue of October 15, 1991, forty-two thousand five hundred dollars and no cents (\$42,500.00) principal and six thousand one hundred twenty-three dollars and seventy-five cents (\$6,123.75) for six months interest at 7.10% per annum on one hundred seventy-two thousand five hundred dollars (\$172,500).

Carried: 9 ayes, 0 nays

200903A14

BY COUNCILMAN DeJOY:

RESOLVED, That warrants be drawn and paid to the respective owners and paying agents the sum of three thousand nine hundred thirty-seven dollars and fifty cents (\$3,937.50) in accordance with the bond requirements as follows:

Public Improvement Bonds, Series B, issue of September 15, 1999, three thousand nine hundred thirty-seven dollars and fifty cents (\$3,937.50) for six months interest at 5.25% per annum on one hundred fifty thousand dollars (\$150,000.00).

Carried: 9 ayes, 0 nays

200903A15

BY COUNCILMAN DeJOY:

WHEREAS, Jeffery A. Lehman, Director of the Department of Public Works (the "Director"), have, at the instance of the City Council of the City of Jamestown (the "City"), a municipal corporation of the State of New York, located in the County of Chautauqua, reviewed plans and cost estimates for the additional costs of the acquisition, construction and reconstruction of improvements to City parking facilities in and for the City, including the acquisition of any equipment, machinery, apparatus, land or rights-in-land necessary therefor and any preliminary and incidental costs related thereto (the "Project").

WHEREAS, the City Council of the City has determined that upon the examination of an environmental assessment form ("EAF") prepared by the Director the Project is an "unlisted action", as that term is defined in 6 NYCRR §617.2(ak), and therefore the City has caused the EAF to be prepared and promptly filed with the Director of Financial Services/City Clerk; and

WHEREAS, it is proposed that the maximum additional amount estimated to be

March 23, 2009

expended for the Project is \$500,000 and that the costs of the Project, in whole or in part, as authorized by the qualified voters of the City, are to be financed by the issuance of serial bonds of the City in the aggregate principal amount of up to \$500,000 pursuant to the Local Finance Law of New York (the "LFL") and if deemed advisable by the issuance of bond anticipation notes issued in anticipation of the issuance of such serial bonds; and

WHEREAS, the evidence contained in such plans and in the EAF with respect to the Project permits the City Council of the City to make the determinations hereinafter in connection with actions to be made for the purpose of authorizing the financing of the Project;

NOW THEREFORE, pursuant to proceedings prescribed in 6 NYCRR at §617 of the State Environmental Quality Review Act ("SEQRA") regulations, BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF JAMESTOWN, COUNTY OF CHAUTAUQUA, STATE OF NEW YORK, as follows:

Section 1. The City, by and through its City Council, hereby declares and designates itself to be the "lead agency", as that term is defined in 6 NYCRR §617.2(u), with respect to the environmental review of the Project.

Section 2. Upon receipt and examination of the EAF, it is hereby determined that the Project is an "unlisted action", as that term is defined in 6 NYCRR §617.2(ak).

Section 3. No other agency other than the City is involved in said environmental review and no coordinated review or segmentation of such review is necessary or required with respect to the Project.

Section 4. No hearing as set forth in 6 NYCRR §617.9(a)(4) is required in making the determinations contained herein with respect to the costs of the Project.

Section 5. Taking into account the criteria set forth in 6 NYCRR §617.7, upon review of all pertinent information, including taking a hard look at all the facts and circumstances, it is determined that the Project (i) will not have a significant effect on the climate or climate change, and (ii) will not have a significant effect on the environment, and no unidentified adverse effects are anticipated with respect thereto and are precluded from further review under the Environmental Conservation Law.

Section 6. It is hereby determined that for purposes of the SEQRA regulations the serial bond resolution to be adopted under the LFL to finance the Project shall not be or be deemed to be an "action", as that term is defined in 6 NYCRR §617.2(b), until such bond resolution is approved by the qualified voters of the City.

Section 7. The City shall include a true copy of this resolution in the file maintained, readily accessible to the public, in the office of the Director of Financial Services/City Clerk, containing the EAF.

March 23, 2009

Section 8. This resolution shall take effect immediately upon its adoption by the City Council of the City of Jamestown.

Carried: 9 ayes, 0 nays

200903A16

BY COUNCILMAN DeJOY:

BOND RESOLUTION, DATED MARCH 23, 2009 AUTHORIZING THE ISSUANCE OF UP TO \$500,000 AGGREGATE PRINCIPAL AMOUNT SERIAL BONDS OF THE CITY OF JAMESTOWN, NEW YORK, PURSUANT TO THE LOCAL FINANCE LAW, TO FINANCE THE COST OF THE ACQUISITION, CONSTRUCTION, AND RECONSTRUCTION OF IMPROVEMENTS TO A CITY PARKING FACILITY

WHEREAS, the City Council of the City of Jamestown (the “City Council” and the “City”, respectively), hereby determines that it is in the public interest of the City to authorize the financing of additional costs of the acquisition, construction and reconstruction of improvements to a City parking facility, including any preliminary and incidental costs related thereto, and

WHEREAS, on April 28, 2008, the City Council adopted a serial bond resolution to finance the costs of the Project in the amount of \$1,023,529 (part of a consolidated serial bond resolution in the aggregate principal amount of \$4,350,000 (the “Prior Resolution”); and

WHEREAS, the City Council has determined that the cost of the Project has increased by \$500,000 (the amount authorized herein) to \$1,523,529; and

WHEREAS, the City Council has not taken any action or adopted any local law which would require the effectiveness of this bond resolution be subjected to a permissive or mandatory referendum,

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF JAMESTOWN, STATE OF NEW YORK as follows:

Section 1. There is hereby authorized to be issued serial bonds of the City of Jamestown, New York, in the aggregate principal amount of up to \$500,000 pursuant to the Local Finance Law, in order to finance the specific object or purpose or class of object or purpose, hereinafter described.

Section 2. The City Council has ascertained and hereby states that (a) the estimated maximum additional costs of the Project is not to exceed \$500,000, (b) no money has heretofore been authorized to be applied to the payment of the costs of the Project except as set forth in clause (c) of this Section 2 as to the bond anticipation notes issued in anticipation of the issuance of serial bonds of the City previously issued under the Prior Resolution; (c) the City Council plans to finance the costs of the Project from the \$500,000 proceeds of the serial bonds, or bond anticipation notes issued in anticipation of the issuance of such serial bonds, authorized herein together with proceeds of obligations not exceeding

March 23, 2009

\$1,023,529 authorized and issued under the Prior Resolution; (d) the maturity of the serial bonds authorized herein may be in excess of five (5) years and; (e) on or before the expenditure of moneys to pay any costs for the Project, for which proceeds of any obligations authorized herein are to be applied to reimburse the City, the Common Council of the City took "official action" for federal income tax purposes to authorize capital financing of such expenditure.

Section 3. It is hereby determined that the Project is a specific object or purpose, or of a class of object or purpose, described in subdivision 12(a)(1) of paragraph a of Section 11.00 of the Local Finance Law and that the period of probable usefulness of the Project is twenty-five (25) years (such building being of "Class A" construction as that term is defined in Section 11.00 of the Local Finance Law). The serial bonds authorized herein shall have a maximum maturity of twenty-five (25) years computed from the earlier of (a) the date of the first issue of such serial bonds, or (b) the date of the first issue of bond anticipation notes issued in anticipation of the issuance of such serial bonds.

Section 4. Subject to the terms and conditions of this bond resolution and the Local Finance Law, including the provisions of Sections 21.00, 30.00, 50.00 and 56.00 to 60.00, inclusive, the power to authorize serial bonds and bond anticipation notes in anticipation of the issuance of such serial bonds authorized herein and the renewal of such bond anticipation notes and the power to prescribe the terms, form and contents of such serial bonds and such bond anticipation notes issued in anticipation of such serial bonds, including renewals thereof, and the power to issue, sell and deliver such serial bonds and such bond anticipation notes, including renewals thereof, is hereby delegated to the City's Director of Financial Services/City Clerk, as chief fiscal officer of the City (the "Director of Financial Services/City Clerk"). The Director of Financial Services/City Clerk is hereby authorized to execute, by manual or facsimile signature, on behalf of the City, all serial bonds issued pursuant to this bond resolution and all bond anticipation notes, including renewals thereof, issued in anticipation of the issuance of such serial bonds, and the Director of Financial Services/City Clerk of the City is hereby authorized to affix the seal (or have imprinted a facsimile thereto) of the City to or on all such serial bonds and all such bond anticipation notes, including renewals thereof, and to attest such seal. Each interest coupon, if any, representing interest payable on such serial bonds shall be authenticated by the manual or facsimile signature of the Director of Finance.

Section 5. The faith and credit of the City are hereby and shall be irrevocably pledged for the punctual payment of the principal of and interest on all obligations authorized herein as the same shall become due.

Section 6. When this bond resolution takes effect, the Director of Financial Services/City Clerk of the City shall cause the same, or a summary thereof, to be published together with a notice in substantially the form prescribed by Section 81.00 of the Local Finance Law in The Post-Journal, a newspaper having a general circulation in the City. The validity of such serial bonds authorized by this bond resolution and of bond anticipation notes issued in anticipation of the issuance of such serial bonds may be contested only if

March 23, 2009

such obligations are authorized for an object or purpose, or class of object or purpose, for which the City is not authorized to expend money, or the provisions of law, which have been complied with as of the date of the publication of this bond resolution, are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication, or if such obligations are authorized in violation of the provisions of the Constitution of the State of New York.

Section 7. The City intends to issue the obligations authorized by this bond resolution to finance the costs of the Project. The City covenants for the benefit of the holders of such obligations authorized herein that it will not make any use of the proceeds of such obligations, any funds reasonably expected to be used to pay the principal of or interest on such obligations, or any other funds of the City, and will not make any use of the Project which would cause the interest on such obligations to become subject to federal income taxation under the Internal Revenue Code of 1986, as amended (the "Code") (except for the alternative minimum tax imposed on corporations by Section 55 of the Code) or subject the City to any penalties under Section 148 of the Code, and that it will not take any action or omit to take any action with respect to such obligations, the proceeds thereof or any objects or purpose financed thereby if such action or omission would cause the interest on such obligations to become subject to federal income taxation under the Code (except for the alternative minimum tax imposed on corporations by Section 55 of the Code) or subject the City to any penalties under Section 148 of the Code. The foregoing covenants shall remain in full force and effect notwithstanding the defeasance of such serial bonds or any other provisions hereof until the date which is sixty (60) days after the final maturity date or earlier prior redemption date thereof. The proceeds of the serial bonds and any bond anticipation notes issued in anticipation of the issuance of such serial bonds may be applied to reimburse expenditures or commitments made for such purposes on or after a date which is not more than sixty (60) days prior to the adoption date of this bond resolution. The City may expend general funds or other available moneys for the Project which shall be reimbursed from the proceeds of such obligations.

Section 8. Prior to the issuance of obligations authorized by this bond resolution, the City Council of the City shall comply with all relevant provisions prescribed in Article 8 of the Environmental Conservation Law, all regulations promulgated thereunder by the New York State Department of Environmental Conservation, and all applicable Federal laws and regulations in connection with environmental quality review relating to the Project (collectively, the "environmental compliance proceedings"). In the event that any of the environmental compliance proceedings are not completed, or require amendment or modification subsequent to the date of adoption of this bond resolution, the City Council of the City covenants that it will re-adopt, amend or modify this bond resolution prior to the issuance of obligations authorized to be issued herein upon the advice of bond counsel. It is hereby determined by the City Council of the City that the Project will not have significant impact or effect on the environment.

Section 9. For the benefit of the holders and beneficial owners from time to time of the serial bonds or bond anticipation notes issued in anticipation of such serial bonds authorized pursuant to this bond resolution, the City agrees, in accordance with, and as an obligated person with respect to the obligations under, Rule 15c2-12 promulgated by the

March 23, 2009

Securities Exchange Commission pursuant to the Securities Exchange Act of 1934 (the "Rule"), to provide or cause to be provided such financial information and operating data, financial statements and notices, in such manner, as may be required for purposes of the Rule. In order to describe and specify certain terms of the City's continuing disclosure agreement for that purpose, and thereby to implement that agreement, including provisions for enforcement, amendment and termination, the Director of Financial Services/City Clerk is authorized and directed to sign and deliver, in the name and on behalf of the City, the commitment authorized by subsection 6(c) of the Rule (the "Commitment") to be placed on file with the Director of Financial Services/City Clerk, which shall constitute the continuing disclosure agreement made by the City for the benefit of holders and beneficial owners of the obligations in accordance with the Rule, with any changes or amendments that are not inconsistent with this bond resolution and not substantially adverse to the City and that are approved by the Director of Financial Services/City Clerk on behalf of the City, all of which shall be conclusively evidenced by the signing of the Commitment or amendments thereto. The agreement formed, collectively, by this paragraph and the Commitment, shall be the City's continuing disclosure agreement for purposes of the Rule, and its performance shall be subject to the availability of funds and their annual appropriation to meet costs the City would be required to incur to perform thereunder. The Director of Financial Services/City Clerk is further authorized and directed to establish procedures in order to ensure compliance by the City with its continuing disclosure agreement, including the timely provision of information and notices. Prior to making any filing in accordance with the agreement or providing notice of the occurrence of any material event, the Director of Financial Services/City Clerk shall consult with, as appropriate, the Corporation Counsel of the City and bond counsel or other qualified independent special counsel to the City. The Director of Financial Services/City Clerk acting in the name and on behalf of the City, shall be entitled to rely upon any legal advice provided by the Corporation Counsel of the City or such bond counsel or other qualified independent special counsel in determining whether a filing should be made.

Section 10. This bond resolution shall take effect immediately upon its adoption by the City Council of the City.

Carried: 9 ayes, 0 nays

200903A17

BY COUNCILMAN DeJOY:

WHEREAS, Chapter 175-3 of the Code of the City of Jamestown provides that it shall be unlawful for any person within the corporate lines of the City of Jamestown to conduct a circus without first having obtained and paid for and having in force and effect a valid, current license therefore, and

WHEREAS, the special event known as the Jordan Brothers Circus is presently scheduled to take place on March 31, 2009, and

WHEREAS, the location of the event is entirely within the confines of the Jamestown Savings Bank Ice Arena, a privately owned building, and

WHEREAS, the organizers of the Jordan Brothers Circus have heretofore

March 23, 2009

requested an exemption from the provisions of Chapter 175-3 of the Code of the City of Jamestown for March 31, 2009 now, therefore, be it

RESOLVED, By the City Council of the City of Jamestown that an exemption be and the same hereby is granted to the organizers of Jordan Brothers Circus to hold a circus at the Jamestown Savings Bank Ice Arena without need of obtaining the license required by the provisions of Chapter 175-3 of the Code of the City of Jamestown and further provided that such circus shall in no way be entitled to obstruct, impair or impede pedestrian traffic on the sidewalks of the City of Jamestown nor in any way obstruct, impair or impede the travel of emergency vehicles upon the public streets of the City of Jamestown, and further provided that such circus shall in all respects accede to the directives of the Director of Public Safety and the Deputy Fire Chief of the City of Jamestown or their designated representatives with respect to the location of any vehicle, trailers or other installations associated with the circus, and be it further

RESOLVED, That the City Clerk be, and he hereby is, authorized and directed to transmit certified copies of this resolution to the Jamestown Savings Bank Ice Arena (organizer of the Jordan Circus), the Fire Chief, the Chief of Police and the Corporation Counsel.

Carried: 9 ayes, 0 nays

200903A18

BY COUNCILMAN DeJOY:

RESOLVED, That Police Chief/Director of Public Safety Rex Rater and Captain Barry Swanson, be, and they hereby are, authorized to attend the Crime Trends Meeting to be held in Albany, New York, February 24-25, 2009 with expenses paid pursuant to the Operation IMPACT grant from the State of New York.

Carried: 9 ayes, 0 nays

200903A19

BY COUNCILMAN DeJOY:

RESOLVED, that Michael Cady, Parks Department Laborer, is hereby authorized to attend ACRT Urban Forestry Training to be held may 4 – 8, 2009, at ACRT, Inc., 1333 Home Avenue, Akron, OH 44310, expenses not to exceed \$1,500.00. Said expenses to be paid pursuant to Section 77-b of the General Municipal Law.

Carried: 9 ayes, 0 nays

200903A20

BY COUNCILMAN DeJOY:

RESOLVED, That Deputy Fire Chief Lance Hedlund be, and he hereby is,

March 23, 2009

authorized to attend the International Hazardous Materials Conference to be held in Hunt Valley, Maryland on May 27-May 31, 2009, with expenses paid pursuant to Section 77-b of the General Municipal Law.

Note: Approximate cost will be \$450.00 that is included in the 2009 Training Budget.

Carried: 9 ayes, 0 nays

PUBLIC WORKS

200903A21

BY COUNCILMAN SPITALE:

RESOLVED, that the bid submitted by CPS Construction Group, Inc., 400 Penn Center Boulevard, Pittsburgh, PA 15235, for Spring Street Parking Ramp Repairs Project, for an amount not to exceed One Million One Hundred Twenty-two Thousand Dollars (\$1,122,000), based on the bids opened February 5, 2009, Items 1-6, 8, 10, and 12, is hereby accepted, this being the lowest of four (4) bids received; now therefore be it RESOLVED, that the Mayor be, and he hereby is, authorized to execute an agreement with CPS Construction Group, Inc., 400 Penn Center Boulevard, Pittsburgh, PA 15235, 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 ayes, 0 nays

200903A22

BY COUNCILWOMAN ECKLUND:

RESOLVED that the bid submitted by D + S Glass, 333 Fluvanna Avenue, Jamestown NY 14701, for City Hall Window Glass Replacement, for an amount not to exceed Thirty-one Thousand Sixty-four Dollars (\$31,064.00), based on the bid opened March 16, 2009, in the following amount, is hereby accepted, for a total amount of Thirty-one Thousand Sixty-four Dollars (\$31,064.00) this being the only bid received; now therefore be it

RESOLVED that the Mayor be, and he hereby is, authorized to execute an agreement with D & S Glass, 333 Fluvanna Avenue, Jamestown NY, 14701, which agreement will reflect the services to be performed by D + S Glass, at the prices referred to above, said agreement to be subject to approval as to form by the office of Corporation Counsel.

Carried: 9 ayes, 0 nays

March 23, 2009

200903A23

BY COUNCILMAN WHITFORD:

WHEREAS, the New York State Department of Transportation has started to acquire Easements for the replacement of the bridge over Chadakoin River on Washington Street (Project: S.H. FAC 62-5; City of Jamestown, North-South Arterial, Washington Street Bridge and Approaches; PIN 5058.39.221; PROC 13485) in the City of Jamestown; and

WHEREAS, to accomplish this task, the State must acquire certain Temporary and Permanent Easements from the City of Jamestown, delineated as Map(s) 46, and 47. Parcel(s) 51 - 55 on file in the Department of Transportation; now, therefore, be it

RESOLVED, that the Mayor be, and he hereby is, authorized and directed to enter into an Agreement of Adjustment for Advanced Payment for said parcel(s) with the New York State Department of Transportation, for which the City of Jamestown will be compensated the sum of Seven Thousand Nine Hundred Fifty Dollars (\$7,950.00).

Carried: 9 ayes, 0 nays

PUBLIC SAFETY

200903A24

BY COUNCILMAN TAYLOR:

RESOLVED, That the following person be, and she hereby is, reappointed to the office of Commissioner of Deeds in and for the City of Jamestown for a term of two years:

Barbara Schwab

March 1, 2009 to February 28, 2011

Carried: 9 ayes, 0 nays

200903A25

BY COUNCILMAN TAYLOR:

RESOLVED, that resolution numbered 20090212 approved at the City Council meeting held on February 23, 2009 is hereby rescinded.

Carried: 9 ayes, 0 nays

BY COUNCILMAN SZWEJBKA:

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

Section 1. Section 215-18 of the Code of the City of Jamestown is hereby **added** to read as follows:

§215-18 Exterior Protection

F. Graffiti

It shall be the responsibility of the owner to restore any surface marred by graffiti to a clean state of maintenance and repair within a reasonable time.

Graffiti is defined as; any unauthorized inscription, word, figure, painting or other defacement that is written, marked, etched, scratched, sprayed, drawn, painted or engraved on or otherwise affixed to any surface of public or private property by a device capable of leaving a visible mark.

If the graffiti is not addressed for an extended period of time, the Code Enforcement Officer or his/her designee may order the removal of the graffiti in accordance with §215-46 and §215-66.

Section 2. Section 215-41 of the Code of the City of Jamestown is hereby **amended** to read as follows:

§215-41 Conformance Required.

Residential, nonresidential, commercial and industrial buildings and accessory structures whether occupied or vacant, shall be maintained in conformity with the provisions of this chapter.

In order to prevent the excessive growth of weeds and grass, it is hereby declared that all lots whether residential, nonresidential, commercial or industrial shall be maintained in conformity with the standards set out in this chapter so as to assure that the subdivision and community at large will not be adversely affected.

Section 3. Section 215-42.E. of the Code of the City of Jamestown is hereby **amended** to read as follows:

§215-42 General Requirements.

E. It shall be the duty of every owner, occupant or person having charge of lands within the City of Jamestown to cut down or cause to be cut down all overgrown weeds, grass, brush and other vegetation in excess of six (6) inches and to remove or cause to be removed all garbage, weeds, grass or other rank, poisonous or noxious vegetation and tree limbs or other debris on said land as often as necessary to maintain such land in a sanitary and orderly condition and to comply with the provisions of §215-42.

It shall be unlawful for any person having control or ownership or any type of tenancy in any lot in a residential, nonresidential, commercial or industrial, in the City of Jamestown, County of Chautauqua and State of New York, to permit or maintain on such land, or portion thereof, any growth of weeds, grass or other rank vegetation to a greater height than six (6) inches on the average or any accumulation of dead weeds, grass or brush.

Failure to comply with this section shall constitute a violation of this section and shall be punishable in accordance with Section 215-68 and Section 215-72.

Section 4. Section 215-46 of the Code of the City of Jamestown is hereby **amended** to read as follows:

§215-46 Nuisance declared; abatement.

A. All buildings, dwellings, dwelling units, studio units, multiple dwellings, rooming units, rooming houses, yard, courts, open areas and vacant lots which are in violation of this chapter are hereby declared to be a nuisance and shall be abated by being corrected, made sanitary, repaired, vacated or demolished in accordance with the orders of the Director of Development by exercise of the powers and duties herein contained.

B. Five days after the mailing of a notice by regular mail to the last known address of the property owner, the Code Enforcement Officer shall make an inspection, and if such inspection discloses that the owner or occupant has not complied with said notice, the Inspector shall cause weeds, grass and other vegetation on such lands or portions thereof to be cut and removed.

C. If the topography of said land is such to make it impossible or impractical to use machinery in the clearing and cutting, the Code Enforcement Officer shall first grade the land in order that the cutting and removal may be done by machinery. The actual cost of cutting and removal, and grading if necessary, plus a fee of 20% for inspection and administrative overhead therewith, shall be certified by the Code Enforcement Officer to the City Director of Financial Services and shall thereupon become and be a lien upon the property on which said weeds, grass and other vegetation were located and shall be added to and become and form a part of the taxes next to be assessed and levied upon such lot or land and shall bear interest at the same rate as taxes and shall be collected and

enforced by the same officer in the same manner as taxes levied and assessed against such property.

Section 5. Section 215-68 of the Code of the City of Jamestown is hereby **amended** to read as follows:

§215-68 Penalties for Offenses.

A. Violation of this chapter shall be punishable by any of the following or combination thereof:

Imprisonment for not more than 30 days.

Actual cost of the work performed to bring property into compliance.

A fine of not more than \$1000.

A conditional discharge.

An unconditional discharge.

C. Any person who shall neglect to cut and remove weeds, grass or other vegetation as directed in this chapter, or who shall fail, neglect or refuse to comply with the provisions of any notices herein provided, or who shall resist or obstruct the Code Enforcement Officer in the cutting and removing of weeds, grass and other vegetation, or grading, if necessary, shall, upon conviction thereof, be subject to a fine of not less than \$25 nor more than \$100, and each day on which said violation continues shall constitute a separate offense.

D. Notwithstanding the foregoing provisions of this section, violations of provisions of this chapter, except as outlined above, shall be punishable as follows: upon a determination of guilt by the City Court Judge of a violation of any provision of this chapter, the fine shall not be less than \$125 for a first offense, not be less than \$250 for a second offense within a three-hundred-sixty-five-day period following the initial determination of violation and not be less than \$500 for a third or subsequent offense within a three-hundred-sixty-five-day period following the initial determination of violation, which fine shall not be suspended, waived or otherwise reduced below these amounts.

Section 6. Section 215-75 of the Code of the City of Jamestown is hereby **added** to read as follows:

§215-75 Reports and Assessments

The Director of Financial Services/City Clerk shall keep an account of all such work done in accordance with this Chapter and shall report to the City Council all parcels of land upon which such work has been performed and the names of the owners of said parcels who have not paid for the cost of the work performed, and the City Council shall thereupon order assessments upon such lands for the amounts reported.

March 23, 2009

Section 7. This ordinance amendment shall be effective immediately upon adoption.

Carried: 9 ayes, 0 nays

200903A27

BY COUNCILMAN SZWEJBKA:

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

Section 1. Section 290-47 B of the Code of the City of Jamestown is hereby amended as follows:

B. Vehicles owned by public utility companies, cable television and other similar service vehicles while making temporary installation, repair or maintenance calls to customers, which calls are not routinely scheduled, may display on the vehicle driver's side sun visor or rearview mirror a permit exempting such vehicles from the provisions of §§ 290-30 through 290-44 of this Code. Such permit or permits, as the case may be, shall be obtained by applying, in writing, to the office of the City Clerk and by paying an annual fee of \$150 per vehicle. Each permit shall contain the dates valid and the license plate number of the designated vehicle. Any vehicle owned by a public utility company, cable television or other similar service vehicle not displaying the permit aforesaid shall not be exempt from §§ 290-30 through 290-44 of this chapter.

Section 2. Section 290-47 C of the Code of the City of Jamestown is hereby amended as follows:

C. Any licensed contractor requiring use of a metered space for a full day or days due to construction, renovation or similar work at one location may, on a temporary basis, receive a permit issued by the City Clerk for exemption from §§ 290-30 through 290-44 of this Code. Said permit shall be issued upon completion of a written application and the payment of a fee of \$4 per day for the duration of the permit. Each permit shall contain the dates valid, the license plate number of the designated vehicle and a general area for which the permit is valid. Issued permits shall be prominently displayed above the registration/inspection stickers on the lower left windshield of the vehicle or rearview mirror. Any vehicle of a licensed contractor not displaying the permit required by this subsection shall not be exempt from the provisions of §§ 290-30 through 290-44 of this chapter.

Section 3. This ordinance amendment shall be effective immediately.

200903A28

BY COUNCILWOMAN JONES:

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

Section 1. Section 175-3.B. of the Code of the City of Jamestown is hereby amended for the listed classifications and fees as follows:

Annual Right-of-Way Permits

DFT Communications \$ 8,000

Section 2. This ordinance amendment shall be effective immediately.

Carried: 9 ayes, 0 nays

200903A29

BY COUNCILWOMAN JONES:

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

Section 1. Section 175-4. of the Code of the City of Jamestown is hereby amended for the listed classification and fee as follows:

Classification	Amount of Bond
Excavation	\$ 50,000

Section 2. This ordinance amendment shall be effective immediately.

Carried: 9 ayes, 0 nays

BOARDS, COMMISSIONS AND AGENCIES

JAMESTOWN LOCAL DEVELOPMENT CORPORATION

200903A30

BY COUNCILMAN DOLCE:

WHEREAS, The Jamestown City Council at a regular meeting held on September 21, 1981, authorized the Mayor of the City of Jamestown to enter into an agreement with the Jamestown Local Development Corporation delegating to the Jamestown Local

March 23, 2009

Development Corporation responsibility for the processing and approval of loan applications for “first instance” Urban Development Action Grant re-use money; and

WHEREAS, Article V, Section 3 of said bylaws of the Jamestown Local Development Corporation requires that no loan of Urban Development Action Grant originated moneys in excess of one hundred thousand dollars (\$100,000.00) be placed without prior approval of the City Council of Jamestown, New York; and

WHEREAS, Shults Real Estate, LLC Signature Nissan Subaru made applications to the Jamestown Local Development Corporation for two loans of one hundred seventy five thousand dollars (\$175,000) each through the Jobs and Private Investment Loan Program (Tier I) as part of a \$1,100,000 project involving the renovation and expansion of real property located at 311 Fluvanna Avenue, Jamestown and a \$825,000 project for new building construction at 2258 Washington Street, Jamestown; and

WHEREAS, the Board of Directors of the Jamestown Local Development Corporation, at its meeting held on September 11, 2008, gave preliminary approval for the two loans to Shults Real Estate, LLC Signature Nissan Subaru of one hundred seventy five thousand dollars (\$175,000) each at a 5% rate of interest for a ten (10) year term subject to the ratification by a majority vote of the City Council of Jamestown, New York; and

WHEREAS, on September 22, 2008, the Jamestown City Council approved the two \$175,000 loans to Shults Real Estate, LLC at a 5% rate of interest for a ten (10) year term; and

WHEREAS, on February 10, 2009, the Shults Auto Group requested that the JLDC loan in the amount of \$175,000 for 311 Fluvanna Avenue, Jamestown, New York be changed to \$275,000. This request is due to their desire to cancel the second JLDC loan for 2258 Washington Street, due to the Shults Management team’s deferment of construction of the Hyundai facility at 2258 Washington Street until general market conditions improve; and

WHEREAS, the Jamestown Local Development Corporation approved this loan modification to two hundred seventy five thousand (\$275,000) on March 2, 2009, through the Jobs and Private Investment Loan Program Tier I as part of a \$1,100,000 project involving the renovation and expansion of real property located at 311 Fluvanna Avenue, Jamestown, New York; now therefore be it

RESOLVED, that the Jamestown City Council hereby approves the Jamestown Local Development Corporation loan to Shults Real Estate, LLC Signature Nissan Subaru of two hundred seventy five thousand dollars (\$275,000) at a 6% rate of interest for a ten (10) year term with collateral being a blanket mortgage position behind GMAC on the real properties located at 254 Fluvanna Ave., 300 Fluvanna Ave., 311 Fluvanna Ave., 320 Fluvanna Ave., 305 Fluvanna Ave., 316 Fluvanna Ave., and 1315 Washington Street, Jamestown , New York, 880 E. Main Street, Foster Township, PA, 3979 Vineyard Drive, Dunkirk NY, 3004 W. State Street, Olean NY, 104 Independence Ave., Olean NY., 1658 North Market St., Warren PA and 824 East Main Street, Bradford PA and personal guarantees from Tim M. Shults and Edmond R. Shults.

Carried: 9 ayes, 0 nays

NEW BUSINESS

Councilman Dolce: Just a brief announcement – yesterday in the paper there was an article about this year’s Jamestown High School’s Battle of the Classes and this year the charity is the James Prendergast Library, something that’s near and dear to all of us, particularly at budget time. As you know, we’ve had to, because of budgetary problems, keep them at a stagnant level for the last several years and this year the Student Organization decided to take that up as a cause. We’re in the process of that and we won’t have a meeting until after the battle is done so I just wanted to welcome all of you and any of you to come out or to support the students’ cause. It’s April 2nd – 6:30 P.M. in the McElrath Gymnasium and Councilman Taylor, President of the Class of 1994 remembers those battles very well. Hopefully, we can have a good turnout, good showing and raise a lot of money for the library.

Councilman Taylor: First I’d like to say the Battle of the Classes – Class of ’94 – two time winners – three unofficially – one controversially – and I just wanted to throw that in there. I just had another comment in all seriousness to make about the vote that we did on the repairs to the parking ramp. I in particular was a little bit disappointed at first when we weren’t able to secure the stimulus funds in order to do so. Granted, my concerns are always 5th and 6th Streets – the reconstruction of those particular streets. Going into this week, going into that vote, did have a fear that because we were able to have a plan in order to fix the ramp, that it might diminish our abilities that might repair 5th and 6th Streets, my concerns with that have been put to rest. I really hope and pray that we do secure the necessary funds – the things we need to do to secure those projects in the City of Jamestown. Also another concern, was a concern on behalf of the citizens, the constituents of the City and it wasn’t difficult really convincing them on the need for the repair of the ramp, but a question that they really had is with some of these capital bonds projects that we have done, with the capital project of 2008 bonding on to this project now, there are little things in the City that people would like to see, or that people would wonder which could be done at a fraction at the cost of these projects which would be good for the community. In times like this when the economy is bad, we’ve heard during budget time that people do turn to places like the library for activities. JHS should be very well commended for the help that they’re going to give to the library. At the same time, a lot of people turn to the parks. A lot of people turn to the community. A lot of people turn to things such as children’s activities, community gardens, things like that; and I would hope that (1) we could find a way to secure funding which could really go into the repair or the additions of the skate park in Jamestown; maybe the creation of a BMX park in Jamestown – maybe something could be done with the Allen Park Skating Rink even that we could possibly combine things in a bond that could really produce something for the kids of this community, for the families for this community as well. That’s the one point I wanted to make on that. The second point I wanted to make is I’m very proud, since I went back and forth of this vote to repair the ramp; we’re always trying to get people to use the ramps, we are always trying to get people to lease space in the ramps – there are a lot of spaces that are being rented out. Though it may not be a high intention issue, there is still a lot of concern about the security of the ramp. I asked Chief Rater several times about records, things, how many reports of vandalism, theft, are

March 23, 2009

in the ramp, they are relatively low. However, I would hope that during this project, that we could find a way as the ramp's getting rebuilt, as well as the other ramps, to really provide security cameras or some sort of system that will definitely be a reassurance to more people to use those ramps – not just overnight – but to rent space in those ramps as well. That's all I have to say Mr. President. Thank you.

Councilman DeJoy: I don't normally wish to address some of Mr. Morgante's comments, but you know, again with...I want to piggyback on what you're saying about the ramp – it's not an expense that's discretionary, by any means. You can't ask for help for businesses that we have here or try to attract new businesses when you don't want to spend money to support the infrastructure that helps sustain these businesses and attract new businesses. So you have to look at this as an investment and not just one of those expenses that you would consider discretionary. Yes, I was disappointed, like yourself, and the rest of the Council, that the quotes came in higher than we anticipated, but these are repairs that are necessary to help sustain the businesses that we have there in going forward trying to attract new businesses in downtown Jamestown.

There being no further business, the meeting was adjourned.

James N. Olson
Director of Financial Services/
City Clerk