

December 21, 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, December 21, 2009 at 7:30 p.m.

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

Others Present: Mayor Sam Teresi, Director of Financial Services/City Clerk James N. Olson, Comptroller Joe Bellitto, Corporation Counsel Marilyn Fiore-Nieves, Director of Public Works Jeff Lehman, Police Chief/Director of Public Safety Rex Rater, Deputy Fire Chief Lance Hedlund

Council President Rabb called the meeting to order.

Councilwoman (Rev.) Maria Jones gave the invocation.

The minutes from the previous meetings of November 23 and 30, 2009 were approved.

MESSAGES FROM THE MAYOR

200912D00.01

CITY OF JAMESTOWN)
Mayor's Office)

To the City Council of the City of Jamestown New York

Council Members:

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

Rexford H. Rater
418 East 6th Street
Jamestown, New York 14701

to be re-appointed Chief of Police/Director of Public Safety in and for the City of Jamestown, New York.

The term for which said appointment is to be made will expire
December 31, 2013.

December 21, 2009

Dated: December 21, 2009

Samuel Teresi
Mayor of the City of Jamestown, New York

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

Carried: 9 ayes, 0 nays

Councilman Spitala moved to vote on the appointment.

Carried: 9 ayes, 0 nays

REPORTS OF STANDING COMMITTEES

FINANCE COMMITTEE

200912D01

BY COUNCILMAN DeJOY:

RESOLVED, that bills be audited and warrants drawn on the proper funds in payment of the respective amounts, totals as follows: General Fund, Capital Fund, Special Revenue Fund and Trust & Agency Fund \$8,176,062.97 in accordance with the period ending December 21, 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 \$4,947,433.76, investments in the total amount of \$2,000,000.00 and payrolls in the total amount of \$1,228,629.21 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 here are approved.

Carried: 9 ayes, 0 nays

200912D02

BY COUNCILMAN DeJOY:

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 2010, with expenses paid pursuant to Section 77-b of the General Municipal Law.

Carried: 9 ayes, 0 nays

200912D03

BY COUNCILMAN DeJOY:

RESOLVED, That Key Bank of New York, N.A., Jamestown Office, Jamestown, New York; HSBC Bank, N.A., Jamestown, New York; J. P. Morgan-Chase Bank, N.A., Buffalo, New York; Bank of America, Buffalo, New York; Manufacturers and Traders Trust Company, Jamestown, New York; Citizens Bank of New York. Buffalo, New York; Five Star Bank, Olean, 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 specimen duly certified to or filed with the above mentioned banks by the Director of Financial Services of the City of Jamestown.

Carried: 9 ayes, 0 nays

200912D04

BY COUNCILMAN DeJOY:

RESOLVED, That the City Comptroller be and he hereby is authorized to affect the 2009 General Fund overdrafts as follows:

TO:	<u>GENERAL GOVERNMENT SUPPORT</u>		<u>233,300.00</u>
	A1010.400	City Council	18,000.00
	A1210.100	Mayor	6,100.00
	A1210.400	Mayor	1,000.00
	A1310.100	Director of Financial Services	4,500.00
	A1310.200	Director of Financial Services	658.00
	A1310.400	Director of Financial Services	500.00
	A1315.100	Comptroller	7,100.00
	A1315.200	Comptroller	250.00
	A1315.400	Comptroller	1,000.00
	A1325.100	Treasurer	10,500.00
	A1325.400	Treasurer	1,500.00
	A1355.200	Assessment	839.00
	A1355.400	Assessment	10,000.00
	A1410.200	City Clerk	820.00

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A1410.400	City Clerk	4,000.00
A1420.100	Corporation Counsel	6,600.00
A1420.200	Corporation Counsel	1,000.00
A1435.100	Human Resources	1,650.00
A1435.200	Human Resources	673.00
A1435.400	Human Resources	1,000.00
A1440.100	Engineer	22,000.00
A1440.400	Engineer	2,500.00
A1620.100	Building - City Hall	10,750.00
A1621.100	Building - 145 Steele	360.00
A1640.100	Central Garage	40,000.00
A1640.400	Central Garage	25,000.00
A1680.100	Data Processing	20,000.00
A1680.400	Data Processing	30,000.00
A1950.400	Tax Assess. - City Owned Property	5,000.00

PUBLIC SAFETY

186,410.00

A3120.100	Police	120,000.00
A3120.400	Police	15,000.00
A3170.100	Court Security	13,000.00
A3310.100	Traffic Control	17,500.00
A3310.400	Traffic Control	3,500.00
A3330.400	Parking Meter Attendants	6,300.00
A3410.400	Fire	5,000.00
A3510.100	Animal Control	2,610.00
A3510.400	Animal Control	3,500.00

TRANSPORTATION

529,400.00

A5010.100	Streets Administration	3,400.00
A5110.100	Street Maintenance	195,000.00
A5110.200	Street Maintenance	6,000.00
A5110.400	Street Maintenance	325,000.00

RECREATION

124,733.00

A7020.200	Recreation Administration	1,303.00
A7110.100	Parks	110,000.00
A7120.400	Tree Maintenance	9,000.00
A7210.400	Stadium	1,000.00
A7310.100	Youth Bureau	3,200.00
A7557.400	Historical Marker	230.00

HOME & COMMUNITY

17,700.00

A8140.400	Storm Sewers	17,000.00
A8791.400	Department of Development	700.00

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	<u>UNDISTRIBUTED</u>		<u>2,448.00</u>
	A9551.500	CHIPS Capital	2,448.00
FROM	<u>GENERAL GOVERNMENT SUPPORT</u>		<u>88,543.00</u>
	A1410.100	City Clerk	18,000.00
	A1680.200	Data Processing	15,000.00
	A1910.400	Unallocated Insurance	15,543.00
	A1930.400	Judgments & Claims	40,000.00
	<u>PUBLIC SAFETY</u>		<u>4,000.00</u>
	A3330.100	Parking Meter Attendants	4,000.00
	<u>UNDISTRIBUTED</u>		<u>999,000.00</u>
	A9010.800	Employees Retirement System	168,000.00
	A9015.800	Police & Fire Retirement System	584,000.00
	A9060.800	Health Insurance	247,000.00
	<u>REVENUES</u>		<u>2,448.00</u>
	A.0000.3501	State Highway Maintenance (CHIPS)	2,448.00

Carried: 9 ayes, 0 nays

200912D05

BY COUNCILMAN DeJOY:

RESOLVED, That the City Comptroller be, and he hereby is, authorized to make the following amendments to the 2009 General Fund Budget for the purpose of applying state aid toward the payment of principal on the bond anticipation note used to finance the property revaluation project:

INCREASE:	Appropriations	\$68,000.00
	Principal-Bond Anticipation Note	
	A.9730.0006	
INCREASE:	Estimated Revenues	\$68,000.00
	State Aid-Real Property Tax Administration	
	A.0000.3040	

Carried: 9 ayes, 0 nays

BY COUNCILMAN DeJOY:

RESOLVED, the City of Jamestown amends the following fees effective January 1, 2010:

CLASSIFICATION	PROPOSED FEE
BRICKS CITY RESIDENTS	\$.25
BRICKS NON-RESIDENTS	\$.50
4-8 CUBIC YARD BOX RESIDENTS	\$250.00
4-8 CUBIC YARD BOX NON-RESIDENTS	\$500.00
8-12 CUBIC YARD BOX RESIDENTS	\$350.00
8-12 CUBIC YARD BOX NON-RESIDENTS	\$700.00
10 WHEELER RESIDENTS	\$550.00
10 WHEELER NON-RESIDENTS	\$1,100.00
PARKS	
BANNER HANGING	\$100
MIDGET FOOTBALL TEAMS	\$125
BABE RUTH TEAMS	\$75
YOUTH SOCCER TEAMS	\$50
ALLEN PARK SOCCER FIELD PER DAY	\$125
ALLEN PARK ICE RINK (NON ICE EVENTS PER DAY)	\$200
ALLEN PARK ICE RINK (ICE EVENTS-ACTUAL CONSUMPTION ELECTRIC, WATER, SEWER)	\$200
GORANSON BANDSHELL	\$50
PAVILLIONS (MONDAY-FRIDAY)	\$25
ADULT SOFTBALL TEAMS	\$150
SOFTBALL COMPLEX (4 FIELDS BERGMAN, 3 FIELDS JONES AND GIFFORD) PER DAY	\$275
FOR PROFIT USE OF PARKS	20% OF GROSS RECEIPTS
NON-PROFIT USE OF PARKS	15% OF GROSS RECEIPTS
CONCESSION STAND	\$100
BANDWAGON	\$300
SOFTBALL FIELDS (INDIVIDUAL RENTAL FOR GAMES/TOURNAMENTS)	\$40
DIETRICK PARK RENTAL FEES	
MONDAY-FRIDAY DAYTIME NO LIGHTS	\$125
MONDAY-FRIDAY DAYTIME LIGHTS	\$200
SATURDAY-SUNDAY DAYTIME NO LIGHTS	\$175
SATURDAY-SUNDAY DAYTIME LIGHTS	\$250
ALL DAY USE	\$500
POLICE	
FILE SEARCH/POLICE OR INCIDENT REPORT	\$10
FILE SEARCH/ARCHIVED RECORD PRIOR TO 1985	\$10
PHOTOGRAPHS	\$15

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TREASURER	
TAX CERTIFICATES	\$30

Carried: 9 ayes, 0 nays

200912D07

BY COUNCILMAN DOLCE:

WHEREAS, the City of Jamestown in conjunction with the County of Chautauqua District Attorney's Office and Family Service of the Chautauqua Region, heretofore applied for State funding under the New York State Division of Criminal Justice Services STOP-VAWA Grant Program for 2010 and,

WHEREAS, the application has been approved and a portion of the grant funds must be shared with the City of Jamestown Police Department, now therefore be it

RESOLVED, that the Mayor and Police Chief be and they hereby are authorized and directed to participate in the STOP VAWA Recovery Act for the period of January 1, 2010 through December 31, 2010 with funding in the amount of one hundred twenty-eight thousand dollars (\$128,000) provided by the State of New York. Of these funds the City of Jamestown will be allocated the amount of thirty-nine thousand one hundred fifty dollars (\$39,150).

Carried: 9 ayes, 0 nays

200912D08

BY COUNCILMAN DOLCE:

WHEREAS, Time-Warner Entertainment-Advance/Newhouse Partnership, d/b/a Time Warner Cable has made application to the City of Jamestown for renewal of its franchise agreement with the City of Jamestown for an additional ten (10) years; and

WHEREAS, a public hearing with respect to the issue of franchise renewal was held upon due and proper notice by the City Council of the City of Jamestown on December 21, 2009; and

WHEREAS, the Jamestown City Council finds it in the public interest to renew its cable television franchise with Time-Warner Entertainment-Advance/Newhouse Partnership, d/b/a Time Warner Cable for an additional ten (10) years; now, therefore, be it

RESOLVED, That the Mayor be, and he hereby is, authorized and directed to execute a cable television franchise renewal agreement with Time-Warner Entertainment-Advance/Newhouse Partnership, d/b/a Time Warner Cable for a term of ten (10) years to commence on January 1, 2010 and terminate December 31, 2019.

Carried: 9 ayes, 0 nays

BY COUNCILMAN DOLCE:

WHEREAS, on September 25, 2009, the Jamestown Urban Renewal Agency solicited development proposals for the former Aldo's Restaurant located at 718 West Third Street, Jamestown, New York through advertisements in the Jamestown Post-Journal; and

WHEREAS, on October 10, 2009, A. John Calamunci submitted a request to be named designated developer for 718 West Third Street, Jamestown, New York for the purpose of developing and operating a full-service restaurant at the location as part of a \$274,520 development project; and

WHEREAS, on November 18, 2009, the Jamestown Urban Renewal Agency named A. John Calamunci as the designated developer for 718 West Third Street, Jamestown, New York for a period of six months expiring May 18, 2010; and

WHEREAS, said proposal and designation is consistent with the findings and recommendations of the 1998 City of Jamestown Comprehensive Plan, the 2001 Downtown Jamestown Community Redevelopment Plan, and the 2007 *City of Jamestown Urban Design Plan*; and

WHEREAS, on December 8, 2009, pursuant to Section 507 of the New York State General Municipal Law, the Jamestown Urban Renewal Agency published a public hearing legal notice identifying A. John Calamunci as the prospective "qualified and eligible sponsor" for 718 West Third Street, Jamestown, New York for the purpose of developing and operating a full service restaurant at the location; and

WHEREAS, the aforementioned legal notice published on December 8, 2009, pursuant to Section 507 of the New York State General Municipal Law, also identified the prospective sales price of 718 West Third Street, Jamestown, New York to A. John Calamunci as \$125,000; and

WHEREAS, the aforementioned legal notice published on December 8, 2009, pursuant to Section 507 of the New York State General Municipal Law, also established the conditions of the sale of 718 West Third Street to A. John Calamunci by the Jamestown Urban Renewal Agency as; confirmation of project financing; issuance of all applicable permits; and approval of the terms of the sale by the Jamestown City Council following a public hearing; and

WHEREAS, at a meeting held on December 16, 2009 the Jamestown Local Development Corporation, as an involved agency in this project, approved the sale of 718 West Third Street, Jamestown, New York by the Jamestown Urban Renewal Agency to A. John Calamunci for \$125,000; and

WHEREAS, at a meeting held on December 9, 2009 the Jamestown Urban Renewal Agency, reviewed and accepted a completed Environmental Assessment Form (EAF), which determined that there would be no adverse impact on the environment from said sale of property to A. John Calamunci; and

WHEREAS, at a public hearing held on December 21, 2009, the Jamestown City Council received input on the completed Environmental Assessment Form (EAF) that was accepted by the Jamestown Urban Renewal Agency at a meeting held on December

December 21, 2009

9, 2009, which determined that there would be no adverse impact on the environment from said sale of property to A. John Calamunci; now therefore be it

RESOLVED, that the Jamestown City Council hereby agrees that all site assembly activities undertaken by the Jamestown Urban Renewal Agency to acquire property and prepare 718 West Third Street, Jamestown, New York for development purposes are in the best interest of the community; and be it further

RESOLVED, that the Jamestown City Council hereby acknowledges the acceptance of the completed Environmental Assessment Form (EAF) by the Jamestown Urban Renewal Agency which determined that there would be no adverse impact on the environment from said sale of 718 West Third Street, Jamestown, New York to A. John Calamunci; and be it further

RESOLVED, that in accordance with Section 507 of the New York State General Municipal Law, the Jamestown City Council hereby ratifies the sale of 718 West Third Street, Jamestown, New York by the Jamestown Urban Renewal Agency to A. John Calamunci for \$125,000 for the purpose of developing and operating a full-service Home Town Wings restaurant at the location.

Carried: 9 ayes, 0 nays

200912D10

BY COUNCILMAN DOLCE:

WHEREAS, the Chautauqua Home Rehabilitation and Improvement Corporation (CHRIC) of 2 Academy Street, Mayville, New York, submitted an application to the U.S. Department of Housing and Urban Development (HUD) to receive funding through HUD's Neighborhood Stabilization Program to acquire, rehab, and re-sell homes to income-eligible families in Chautauqua County; and

WHEREAS, in order to be successful in the aforementioned application CHRIC needed to show ownership and control of single-family homes for acquisition, rehab, and resale activities in Chautauqua County; and

WHEREAS, the Jamestown Urban Renewal Agency had previously acquired through Chautauqua County via the in rem tax sale procedure three (3) single family houses located at 235 Forest Avenue, 247 Forest Avenue, and 225 Curtis Street, all located in the City of Jamestown, New York using HUD grant funding through the City of Jamestown, Community Development Block Grant (CDBG) entitlement's Homesteading Program for first-time homeowners; and

WHEREAS, CHRIC made an offer to the Jamestown Urban Renewal Agency to purchase the three (3) single family houses located at 235 Forest Avenue, 247 Forest Avenue, and 225 Curtis Street, Jamestown, New York for \$15,000.00, to match a similar arrangement made with Chautauqua County to purchase single family, tax sale homes for \$5,000 each; and

WHEREAS, said proposed acquisition, rehabilitation, and resale activities are consistent with the City of Jamestown's FY 2004 - FY 2009 Consolidated Plan which supports such activities as a means to; increase homeownership in the City, improve the City's housing stock, and to stabilize City neighborhoods; and

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WHEREAS, on November 25, 2009, pursuant to Section 507 of the New York State General Municipal Law, the Jamestown Urban Renewal Agency designated Chautauqua Home Rehabilitation and Improvement Corporation as a “qualified and eligible sponsor” to purchase 235 Forest Avenue, 247 Forest Avenue, and 225 Curtis Street, Jamestown, New York for the purpose of acquisition, rehabilitation, and resale of said properties to income-eligible families; and

WHEREAS, on December 1, 2009, pursuant to Section 507 of the New York State General Municipal Law, the Jamestown Urban Renewal Agency published a public hearing legal notice identifying Chautauqua Home Rehabilitation and Improvement Corporation as the prospective “qualified and eligible sponsor” for 235 Forest Avenue, 247 Forest Avenue, and 225 Curtis Street, Jamestown, New York for the purpose of acquisition, rehabilitation, and resale of said properties to income-eligible families; and

WHEREAS, the aforementioned legal notice published on December 1, 2009, pursuant to Section 507 of the New York State General Municipal Law, also identified the prospective sales price of 235 Forest Avenue, 247 Forest Avenue, and 225 Curtis Street, Jamestown, New York to Chautauqua Home Rehabilitation and Improvement Corporation as \$15,000; and

WHEREAS, the aforementioned legal notice published on December 1, 2009, pursuant to Section 507 of the New York State General Municipal Law, also established the conditions of the sale of 235 Forest Avenue, 247 Forest Avenue, and 225 Curtis Street, Jamestown, New York by the Jamestown Urban Renewal Agency as; confirmation of project financing; issuance of all applicable permits; and approval of the terms of the sale by the Jamestown City Council following a public hearing; and

WHEREAS, at a meeting held on December 9, 2009 the Jamestown Urban Renewal Agency, reviewed and accepted a completed Environmental Assessment Form (EAF), which determined that there would be no adverse impact on the environment from said sale of property to Chautauqua Home Rehabilitation and Improvement Corporation; and

WHEREAS, at a public hearing held on December 21, 2009, the Jamestown City Council received input on the completed Environmental Assessment Form (EAF) that was accepted by the Jamestown Urban Renewal Agency at a meeting held on December 9, 2009, which determined that there would be no adverse impact on the environment from said sale of property to Chautauqua Home Rehabilitation and Improvement Corporation; now therefore be it

RESOLVED, that the Jamestown City Council hereby agrees that all site assembly activities undertaken by the Jamestown Urban Renewal Agency to acquire property and prepare 235 Forest Avenue, 247 Forest Avenue, and 225 Curtis Street, Jamestown, New York for the purpose of acquisition, rehabilitation, and resale of said properties to income-eligible families is in the best interest of the community; and be it further

RESOLVED, that the Jamestown City Council hereby acknowledges the acceptance of the completed Environmental Assessment Forms (EAF) by the Jamestown Urban Renewal Agency which determined that there would be no adverse impact on the environment from said sale of 235 Forest Avenue, 247 Forest Avenue, and 225 Curtis Street, Jamestown, New York to Chautauqua Home Rehabilitation and Improvement Corporation; and be it further

December 21, 2009

RESOLVED, that in accordance with Section 507 of the New York State General Municipal Law, the Jamestown City Council hereby ratifies the sale of 235 Forest Avenue, 247 Forest Avenue, and 225 Curtis Street, Jamestown, New York by the Jamestown Urban Renewal Agency to Chautauqua Home Rehabilitation and Improvement Corporation for \$15,000.00 for the purpose of acquisition, rehabilitation, and resale of said properties to income-eligible families.

Carried: 9 ayes, 0 nays

200912D11

BY COUNCILMAN DOLCE:

WHEREAS, property located at 420 Camp Street (SBL 23-3-19) was subject to a foreclosure proceeding by the City of Jamestown in 1976, and

WHEREAS, a representative of the City of Jamestown was responsible for executing and recording a deed conveying the property located at 420 Camp Street to the City of Jamestown, however the conveyance was never completed and

WHEREAS, sometime in 1976, Helen V. and Anthony Foti, the owners of the property located at 420 Camp Street paid the taxes on said property and have continued to pay the taxes since that time, and

WHEREAS, Anthony Foti is now deceased and Helen V. Foti is the surviving spouse of Anthony Foti, and

WHEREAS, Helen V. Foti now desires to transfer the property located at 420 Camp Street to a third party, now therefore be it hereby

RESOLVED, that the Mayor be, and hereby is, authorized to execute a quit claim deed, properly transferring the property to Helen V. Foti, the surviving spouse of Anthony Foti.

Carried: 9 ayes, 0 nays

200912D12

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.

Carried: 9 ayes, 0 nays

PUBLIC WORKS

200912D13

BY COUNCILMAN SPITALE:

WHEREAS, the New York State Department of Transportation and the Western New York & Pennsylvania Railroad LLC has requested that the City participate in the closure of the Lister Street at-grade crossing of the Western New York & Pennsylvania Railroad, MP35.15 to eliminate a railroad crossing being deemed unsafe, said closure to be at no cost to the City of Jamestown, and

WHEREAS, the City of Jamestown endorses this project for the safety of its residents and the safety of the community; now, therefore, be it

RESOLVED by the Jamestown City Council that the City of Jamestown supports and will participate in the closure of the unsafe Lister Street railroad crossing by the New York State Department of Transportation and the Western New York & Pennsylvania Railroad, LLC.

Councilman Taylor: I want to say and let the Council know that on behalf of several citizens on Lister Street, especially one in particular, but several of them, they are really happy about this resolution and hope that it will alleve some of the many traffic issues and problems, certain laws that were broken that have really been a problem for that community over on Lister for a long time; so I hope everything can work out as this resolution goes forward and we can help those people out over there and the City can help them out with going forward as they look into this. Thank you Mr. President.

Carried: 9 ayes, 0 nays

PUBLIC SAFETY

200912D14

BY COUNCILWOMAN JONES:

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 4, 2010 and on scheduled Monday evenings thereafter in the year 2010, at the same time and place.

- | | |
|-------------|--------------|
| January 4 | July 26 |
| January 25 | August 30 |
| February 22 | September 27 |
| March 29 | October 25 |
| April 26 | November 29 |
| May 24 | December 27 |
| June 28 | |

Carried: 9 ayes, 0 nays

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200912D15

BY COUNCILMAN SZWEJBKA:

RESOLVED, That the Jamestown 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, 2010 through December 31, 2010.

Councilman Szwejbka: I'd just like to thank The Post-Journal for their continuing effort to keep the public informed of what's going on in government. I think they do a great job.

Carried: 9 ayes, 0 nays

200912D16

BY COUNCILMAN SZWEJBKA:

RESOLVED, That the Jamestown City Council hereby grants the following organizations a Games of Chance (Bell Jar) license for the 2010 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

Carried: 9 ayes, 0 nays

200912D17

BY COUNCILMAN TAYLOR:

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

Section 1. 240-18. Definitions and word usage, of the Code of the City of Jamestown is hereby amended to add and amend the following definitions:

PASS THROUGH – A discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the City's NPDES permit, including an increase in the magnitude or duration of a violation.

PRETREATMENT STANDARDS OR STANDARDS - Pretreatment standards shall mean prohibited discharge standards, categorical pretreatment standards, and local limits.

SIGNIFICANT INDUSTRIAL USER

- (4) Is found by the City, NYSDEC or USEPA to have a reasonable potential, either singly or in combination with other contributing industries, for adversely affecting the wastewater treatment system, the quality of sludge, the system's effluent quality or air emissions generated by the system or for violating any pretreatment standard or requirement.

SIGNIFICANT NONCOMPLIANCE

- (1) Chronic violations of wastewater discharge limits, defined here as those in which 66% or more of all of the measurements taken for the same pollutant parameter during a six-month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement including instantaneous limits.
- (2) Technical review criteria (TRC) violations, defined here as those in which 33% or more of all of the measurements for the same pollutant parameter taken during a six-month period equal or exceed the product of the numeric Pretreatment Standard or Requirement including instantaneous limits, multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil and grease, and 1.2 for all other pollutants, except for pH).
- (3) Any other violation of a pretreatment Standard or Requirement as defined by 40 CFR 403.3(l) (daily maximum, long-term average, instantaneous limit, or narrative Standard) that the POTW determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public).
- (4) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare, or to the environment or has resulted in the POTW's exercise of its emergency authority to halt or prevent such a discharge;
- (5) Any other violation or group of violations, which may include a violation of Best Management Practices, which the control authority determines will adversely affect the operation or implementation of the local pretreatment program.

Section 2. 240-23. Industrial Use of Public Sewers. of the Code of the City of Jamestown is hereby amended to add and amend the following definitions:

G. Federal pretreatment standards.

- (1) The categorical pretreatment standards found at 40 CFR Chapter I, Subchapter N, Parts 405-471 are hereby incorporated. . The General Manager of the Board of Public Utilities shall notify all affected uses of the applicable reporting requirements under 40 CFR 403.12.

I. Facilities for sampling and flow measurement required.

- (7) Information and data on a user obtained from reports questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or other governmental agency without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the City that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the user. When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available upon written request to governmental agencies for uses related to this article, the National Pollutant Discharge Elimination System (NPDES) permit, state disposal system permit and/or the pretreatment programs; provided, however, that such portions of a report shall be available for use by the state or any state agency judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

Section 3. 240-29. Public Notification. of the Code of the City of Jamestown is hereby amended as follows:

The public will be notified in the City's largest daily newspaper, on an annual basis, of industrial users which, during the previous 12 months were in significant noncompliance, as defined in Section 240-18(A) of this ordinance.

Section 4. 240-30. Equitable Relief. of the Code of the City of Jamestown is hereby deleted and replaced with the following:

When the General Manager finds that a user has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the City may seek the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the wastewater discharge permit, order, or other requirement imposed by this ordinance on activities of the user.

Section 5. 240-34. Record Keeping of the Code of the City of Jamestown is hereby replaced with the following:

December 21, 2009

240-34 Record Keeping

Users subject to the reporting requirements of this ordinance shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this ordinance and any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. This period shall be automatically extended for the duration of any litigation concerning the user of the City, or where the user has been specifically notified of a longer retention period by the General Manager of the Board of Public Utilities.

Section 6. 240-34. Ordinance in force. of the Code of the City of Jamestown is hereby renumbered as 240-35:

This article shall be in full force and effect from and after its passage and approval as provided by law.

Section 7. This ordinance amendment shall be effective January 1, 2010.

Carried: 9 ayes, 0 nays

There being no further business, the meeting was recessed until January 4, 2010.

James N. Olson
Director of Financial Services/
City Clerk