

April 26, 2010

City Council

Proceedings by Authority

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

A regular meeting of the City Council of the City of Jamestown, New York was held on Monday, April 26, 2010 at 7:30 p.m.

Members Present: Council President Greg Rabb, Council Members, Steve Szwejbka, Tony Dolce, Councilman 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, Corporation Counsel Marilyn Fiore-Lehman, Director of Public Works Jeff Lehman, Battalion Chief William Johnston, Captain Barry Swanson and Executive Assistant to the Mayor Matt Hanley

Council President Rabb called the meeting to order.

Rev. Jim Read of the Bethel Baptist Church gave the invocation.

The minutes of the March 29, 2010 meeting were approved.

MESSAGES FROM THE MAYOR

201004A00.01

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:

Judy Brentley
30 Price Street
Jamestown, New York 14701

to be appointed a member of the Jamestown Housing Authority in and for the City of Jamestown, New York to fill the unexpired term of Dale Desmond, resigned.

The term for which said appointment is to be made will expire September 30, 2010.

Dated: April 26, 2010

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Samuel Teresi
Mayor of the City of Jamestown, New York

Councilwoman Ecklund moved to suspend the rules and vote on the appointment.

Carried: 9 ayes, 0 nays

Councilman Dolce moved to approve the reappointment.

Carried: 9 ayes, 0 nays

STANDING COMMITTEES

FINANCE COMMITTEE

201004A01

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 \$3,728,878.88 in accordance with the period ending April 26, 2010, 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 \$2,570,194.69, and payrolls in the total amount of \$1,158,684.19, 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

201004A02

BY COUNCILMAN DOLCE:

RESOLVED, That warrants be drawn and paid to the respective owners and paying agents the sum of one hundred seventy-four thousand five hundred seventy-eight dollars and thirteen cents (\$174,578.13) in accordance with the bond requirements as follows:

Various Purpose Bonds, issue of February 15, 2006, one hundred sixty thousand (\$160,000) of principal and fourteen thousand five hundred seventy eight dollars and thirteen cents (\$14,578.13) for six months interest at 3.50% per annum on eight hundred five thousand dollars (\$805,000.00).

Carried: 9 ayes, 0 nay

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201004A03

BY COUNCILMAN DOLCE:

RESOLVED, That the Mayor of the City of Jamestown be, and he hereby is, authorized to enter into an agreement with the Municipal Insurance Consultants, Inc. 5687 Main Street, Williamsville, New York 14221, as Insurance Advisor for property and casualty insurance for the period April 15, 2010 through April 14, 2011 in the amount of seventeen thousand dollars and no cents (\$17,000.00) with one-half of the cost paid by the Board of Public Utilities subject to the approval of the Corporation Counsel as to form.

Carried: 9 ayes, 0 nays

201004A04

BY COUNCILMAN DeJOY:

WHEREAS, the Jamestown Riverwalk Connection Project and Jamestown Gateway Intermodal Station and Visitor Center, located in the City of Jamestown, Chautauqua County, was awarded project status by the Federal Transit Administration on September 25, 2008, [Project NY-04-0039], (hereto know as the "Project"), said "Project" authorized under United States Code Title 49 SAFETEA-LU (§5309 Bus Capital Appropriation); and

WHEREAS, the "Project" is listed on the National Register of Historic Places [NRIS 03000045], and is approved by the United States Department of Interior for use of Historic Tax Credits to supplement the grant funding provided by Federal Transit Administration, Federal Highway Administration, New York State Environmental Protection Fund, and Empire State Development Corporation; and

WHEREAS, the City of Jamestown, as a municipal body, cannot enjoy the benefits of Federal and New York State tax credits, but understands the financial significance the syndication of said credits will provide to the successful completion of the "Project"; and

WHEREAS, under Internal Revenue Service code and New York State Department of Taxation and Finance Law, Historic Tax Credits may be syndicated to investors in exchange for capital investment in historic restoration projects; and

WHEREAS, to effectuate the investment, and comply with Federal and State tax code, all funding, property, and construction contracts need to be held or passed through a for-profit Limited Liability Corporation, said LLC having been formed in the name of Downtown Jamestown Revitalization, LLC; now therefore be it

RESOLVED, that the Jamestown City Council hereby approves the process necessary to syndicate any tax credits associated with the Jamestown Gateway Intermodal Station and Visitors Center located at 211 West Second Street; and be it further

RESOLVED, that the Jamestown City Council hereby authorizes the Mayor of the City of Jamestown to execute all documents necessary to permit the flow of Federal and State grant funding through Downtown Jamestown Revitalization, LLC, following review and approval by legal counsel as to form and content; and be it further

RESOLVED, that the Jamestown City Council hereby authorizes the Mayor of the City of Jamestown to execute and assign to Downtown Jamestown Revitalization, LLC any and all

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construction contracts associated with the Jamestown Gateway Intermodal Station and Visitors Center, following review and approval by legal counsel as to form and content; and be it further

RESOLVED, that the Jamestown City Council hereby authorizes the Mayor of the City of Jamestown to execute a real property deed transfer from the City of Jamestown to Downtown Jamestown Revitalization, LLC, following review and approval by legal counsel as to form and content; and be it further

RESOLVED, that the Jamestown City Council hereby authorizes the Mayor of the City of Jamestown to execute all grant sub-recipient agreements, lien covenants, and other documents as may be deemed necessary to complete the syndication of tax credits, following review and approval by legal counsel as to form and content; and be it further

RESOLVED, that this resolution shall take effect immediately.

Carried: 9 ayes, 0 nays

201004A05

BY COUNCILMAN DeJOY:

RESOLVED, That the Mayor of the City of Jamestown be, and hereby is, authorized to enter into an agreement with Part D Advisors, Inc., 47799 Haylard Drive, Suite B, Plymouth, MI 48170 to provide the City of Jamestown Medicare Early Retiree Subsidy Services as provided for in the Patient Protection and Affordable Care Act of 2010, for a period of three years effective April 15, 2010, at a fee equal to thirty-five percent (35%) of the Early Retiree Program Subsidies received by the City of Jamestown, subject to the approval of the Corporation Counsel as to form.

Carried: 9 ayes, 0 nays

PUBLIC WORKS

201004A06

BY COUNCILMAN SPITALE:

WHEREAS, County of Chautauqua, NY has requested certain temporary and permanent easements over portions of City of Jamestown, NY lands associated with the replacement of the Sprague Street Bridge (BIN 2258350) over the Chadakoin River in the City of Jamestown, Chautauqua County, New York, on lands being part of Lots 33 and 34 Town 2, Range 11 and shown on the attached appropriation maps; now, therefore, be it

RESOLVED, that the Mayor be, and he hereby is, authorized to enter into certain temporary and permanent easement agreements, and to waive the right to just compensation for such easements, with the County of Chautauqua, NY to facilitate replacement of the Sprague Street Bridge over the Chadakoin River in the City of Jamestown, Chautauqua County, New York, said easements to be subject to approval as to form by the Office of Corporation Counsel.

Carried: 9 ayes, 0 nays

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201004A07

BY COUNCILWOMAN ECKLUND:

RESOLVED, That the bid submitted by R. Patti Concrete & Excavating LLC, PO Box 3081, Jamestown, NY 14702, for Harris Avenue Concrete Work, Phase 3, based on the bid proposal due April 7, 2010, in the following amounts, be and the same hereby is accepted:

1160 SF Flat Work: 4 inch at \$6.10 SF
1160 SF Flat Work: 6 inch at \$6.90 SF
175 LF 15" Curb & Gutter at \$29.50 LF

for a total bid amount of Twenty Thousand Two Hundred Forty-two Dollars and Fifty Cents (\$20,242.50), this being the lowest of three bids received, and be it further

RESOLVED, That the Mayor be, and he hereby is, authorized to execute an agreement with R. Patti Concrete & Excavating LLC, which agreement will reflect the services to be performed by R. Patti Concrete & Excavating LLC at the prices referred to above, said agreement to be subject to approval as to form by the office of the Corporation Counsel.

Carried: 9 ayes, 0 nays

201004A08

PUBLIC SAFETY

BY COUNCILMAN TAYLOR:

WHEREAS, a Neighborhood Watch Committee has been organized in the Hall Avenue Area for the purpose of deterring crime in this area, and

WHEREAS, the Hall Avenue Neighborhood Watch Program has the support and approval of the Jamestown Police Department, and

WHEREAS, the Jamestown Police Department has received funding for the purchase of Neighborhood Watch signs with the understanding that the City of Jamestown will erect the signs and assume the responsibility for the maintenance of said signs, now therefore be it

RESOLVED, that the Director of Public Works be, and he hereby is, authorized to erect and maintain said signs in appropriate places on the aforesaid street.

Carried: 9 ayes, 0 nays

201004A09

BY COUNCILMAN TAYLOR:

RESOLVED, The Jamestown City Council hereby strongly supports the Department of Youth Services' March Against School Violence on Saturday, May 8, 2010, and who has collaborated with the Jamestown Public Schools, Cassadaga Job Corp., Jamestown Police Department, United Way and Senator Catherine Young's office, to bring awareness to the senseless crimes on your educational facilities.

Carried: 9 ayes, 0 nays

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201004A10

BY COUNCILMAN SZWEJBKA:

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

Annette Strasser

April 27, 2010 to April 26, 2012

and be it further

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

John C. Sixbey

May 18, 2010 to May 17, 2012

Sebastian J. Foti

May 19, 2010 to May 17, 2012

Carried: 9 ayes, 0 nays

201004A11

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 classification and fee as follows:

CLASSIFICATION	FEE
RE-ROOFING	\$15.00

Section 5. This ordinance amendment shall be effective immediately.

Carried: 9 ayes, 0 nays

NEW BUSINESS

201004A12

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

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

WHEREAS, it has become apparent that within the Department of Public Works an effort to effectively manage the city's day-to-day responsibilities in a cost efficient manner, it is in the City of Jamestown's best interest to lift the hiring freeze for a certain position, 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 position due to the essential nature of the position.

One (1) Junior Civil Engineer in the Department of Public Works (funded in the 2010 General Fund Budget).

Councilman DeJoy: I just want to mention that this is not a new position and one that is due to a retirement in the department.

Carried: 9 ayes, 0 nays

Council President Rabb: I just want to make two announcements: (1) on Wednesday, April 28th at 6:15 in this chamber, we have the preliminary Public Hearing with respect to the Community Development Block Grant Plan so if you can join us, please do so; and (2) on Monday, May 3rd at 6:30 again in this chamber, the Work Session of the Council will be devoted to the presentation of the Jamestown Neighborhood Revitalization Plan, so again, I would ask that if you're available, please join us.

There being no further business, the meeting was adjourned.

James N. Olson, Director of Financial Services/
City Clerk