

October 25, 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, October 25, 2010 at 7:30 p.m.

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

Others Present: Mayor Sam Teresi, Director of Financial Services/City Clerk James Olson, Corporation Counsel Marilyn Fiore-Lehman, Comptroller Joseph Bellitto, Director of Public Works Jeff Lehman, Police Chief/Director of Public Safety, Harry L. Snellings, and Deputy Fire Chief Chet Harvey

Council President Rabb called the meeting to order.

Councilwoman/Reverend Maria Jones gave the invocation.

The minutes of the September 27, 2010 meeting were approved.

MESSAGES FROM THE MAYOR

201010A00.01

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 re-appointed a member of the Jamestown Housing Authority in and for the City of Jamestown, New York.

The term for which said appointment is to be made will expire September 30, 2015.

October 25, 2010

Dated: October 25, 2010

Samuel Teresi
Mayor of the City of Jamestown, New York

201010A00.02

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:

Whitney Harrington
125 Eagle Street
Jamestown, New York 14701

to be appointed a youth member of the Youth Services Board of Directors in and for the City of
Jamestown, New York to fill the unexpired term of Steven Maisto, resigned.

The term for which said appointment is to be made will expire
December 31, 2011.

Dated: October 25, 2010

Samuel Teresi
Mayor of the City of Jamestown, New York

201010A00.03

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:

Madison Walker-Blake
500 Winsor Street
Jamestown, New York 14701

October 25, 2010

to be appointed a youth member of the Youth Services Board of Directors in and for the City of Jamestown, New York to fill the unexpired term of Chelsey Becker, resigned.

The term for which said appointment is to be made will expire December 31, 2011.

Dated: October 25, 2010

Samuel Teresi
Mayor of the City of Jamestown, New York

201010A00.04

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:

Tayla Williams
33 West 8th Street
Jamestown, New York 14701

to be appointed a youth member of the Youth Services Board of Directors in and for the City of Jamestown, New York to fill the unexpired term of Jamie King-Prunty, resigned.

The term for which said appointment is to be made will expire December 31, 2010.

Dated: October 25, 2010

Samuel Teresi
Mayor of the City of Jamestown, New York

Councilman Spitale moved to suspend the rules and vote on the appointments.

Carried: 9 ayes, 0 nays

Councilman Taylor moved to approve the appointments.

Carried: 9 ayes, 0 nays

OPPORTUNITIES FOR PERSONS TO ADDRESS THE COUNCIL

201010A00.05

Sam Genco, 10 E. 15th Street: I apologize for the length of this reading, but I hope you'll give me the opportunity to give it in its entirety.

I came here to speak some weeks ago, but didn't get here in time for the privilege of the floor. I stayed anyway to hear what was being discussed. Ironically, the items on the agenda that night were a perfect example of the ills I wished to vent about. An inordinate amount of time was spent on the available options for a voluntary, supplemental retirement account for local government workers. I commend them for having the extra money on hand to invest in their future comfort, but I'm afraid I don't understand why their already overly-generous, publicly-financed retirement system isn't quite sufficient. Could it be because the public that must pay such a heavy share of it, is in a state of near revolt over its spiraling cost? I also found it amusing when it was stated that there would be no cost to taxpayers for this new retirement account, but if I'm not mistaken, I thought I heard a figure of several thousand dollars mentioned as a yearly, city-borne cost for auditing the account, not to mention the obviously significant number of man-hours spent by the committee that was set up to investigate the various options they reported on.

The other item discussed was the upcoming budget figures, which clearly painted a foreboding picture of lower projected income and much higher mandated expenditures. Mayor Teresi's bleak assessment truly took the words right out of my mouth, but I'd thought I'd come back here tonight anyway to echo and add to his words of gloom and doom. And what follows is what I originally intended to say.

On August 30th this council unanimously approved the negotiated contracts with the Kendall Club PBA and the Jamestown Professional Firefighters Association. Both contracts increase wages for both groups several percentage points retroactively, and provide for increases in 2011. Council President Rabb was quoted in the Post-Journal as saying, and I quote, "...they are fair contracts. It's a difficult time to negotiate contracts with the economic situation outside this building." (unquote). I think that's exactly correct. It is a difficult time – outside of this building. The problem is what's going on inside this building. Apparently many people inside this building don't know that this city cannot indefinitely support the kind of contracts and benefits that are being bestowed on our public servants at all levels of government. Jamestown, Chautauqua County, and New York State, all apparently think they can just continue to raise taxes and increase spending, and I can only surmise that it's based on the wonderful example our federal government has set for umpteen years now.

I am stunned that no one on this council saw fit to vote against these contracts. Where is the, (quote) "give and take" (unquote, when the only giving on the part of the unions was a paltry one percent rise in their health insurance payments? – and I saw nothing in the newspaper about that being retroactive.) What about the '20 years and out at full pay' portion of their contracts? Isn't it about time we insisted on changing those terms to reflect today's economic realities, and the

October 25, 2010

longer life span of today's society? I'd bet there are many areas in their contracts in desperate need of overhauling to more accurately reflect the present economic and sociological situation.

Our police and fireman deserve and desire our respect for the sometimes difficult and dangerous jobs they perform. But nothing would do more to earn that respect, in my eyes, than for them to truly give back to the community by setting aside their personal and collective greed, and stop bleeding this city monetarily dry at every opportunity.

For several years I was a volunteer on the county Haz Mat team, and the county Water Emergency Team, and I briefly considered joining the Fluvanna Fire Department, because, as a Jamestown resident, I couldn't join our unionized, paid fire department. By the way, I have visited several combination volunteer/paid fire departments in cities comparable to, or larger than Jamestown that function very smoothly, and at great benefit to their communities, but God forbid we should try that with our fire department. The only reason I didn't join Fluvanna was because I had no desire to spend several monthly mandatory hours of my precious time assisting at bingo functions.

Occasionally, usually at various family functions, my brother, a former Jamestown policeman whom I generally respect, would relate "war stories" of his days on the force. I usually sat quietly and enjoyed them along with everyone else. One time he asked me why I sat so quietly. I told him I had plenty of stories, but a lot of them weren't so pleasant. Nobody would want to hear about pulling bodies out from under the ice on Chautauqua Lake – that's a little too gruesome. And most of the Haz Mat calls were various spill cleanups of differing size and complexity – a little too boring. I really don't care to try to impress anyone about things I've done. I've just done them, and they can speak for themselves. If anyone wants to know about something, I'll tell them, but let's just say I don't advertise.

My brother, as a union rep, would also give his side of the story about the various contracts and disputes he had within the department and with the city negotiators. He couldn't believe how easy some concessions were to win, and occasionally how foolish and short-sighted the negotiators were. Once I asked him if he felt a bit greedy about some of the things he helped get for his union. He said that it was his responsibility to do everything he could to help his union, and it was the city negotiator's job to deal with the city's interests. I said "But what about the fact that it's putting an unbearable load on the city budget and taxpayers?" He said that the police and firemen were always taking the blame for the city's budget troubles, and that everyone that worked in the city's public sector was after as much as they could get, but nothing was ever said about their excesses.

When I would tell him about the fact that I received no compensation of any sort for my efforts on the Haz Mat and Water Emergency teams, and indeed spent my own gas money answering the calls that could come from anywhere in the county, and occasionally outside of the county, at any time of the day or night, he laughed and said I was a fool to do such work for nothing. He said, "You people need a good union." How do I answer that?

Although I do vote regularly, I don't normally involve myself in politics at all. But the actions of Jamestown's negotiating representatives, the mayor's office, and this council in approving these

October 25, 2010

contracts makes me think that I'd better become involved, and so should a lot of others who believe as I do that we simply can't go on with the status quo at any level of government anymore. I personally will refuse to vote for anyone here to continue in office when they refuse to oppose or even question the economics of this city's contractual obligations, and I will encourage others to do the same. I know you are probably all intelligent, likeable, concerned people, but this city, county, state, and country are in dire need of wholesale changes in the way we do business.

I hate it when people simply sit back and complain about something without offering constructive solutions, and I dearly wish I had one to offer here. Unfortunately I'm not privy to all the facts and numbers in this particular case. But at least I do know that we can't continue on our present course much longer, and I'm here to remind all of you, and all of our public service unions, of that undeniable fact. I urge all public service unions to voluntarily reopen contract negotiations and consider concessions that will allow our local government and social systems to continue to function without bankrupting us. The mayor's office, this council, and the press should pressure the unions to loosen the financial stranglehold they have placed on the public. My brother once told me that if the Taylor Law was to be negated, then the unions would have to insist on having the right to strike. I think that it would certainly make for a difficult situation for local municipalities, but on the other hand it would also show everyone what motivates our public servants – is it greed, or civic pride? No one wants to force them to choose, but the private sector of society is being bullied into a financial corner by over-reaching public service unions on the one hand, and an overly-generous social services network on the other. I'm ready to fight back, and I think the majority of working people in this country are too. I'm just wondering if there are enough of us left to counter the howls of protest sure to come from those groups that have been picking our pockets on both sides for far too long. I see terrible turmoil ahead, but it's not too late to try to work together to figure some way out of this mess, before we are all swallowed up by it. Please make some overtures to our public service unions. I'd really like to hear what they have to say. Thank you for letting me speak.

201010A00.06

Peter Morgante, 134 Euclid Ave., Property Owner and Taxpayer: This is what is exactly what's wrong is City Council doesn't really care what the property owners and the taxpayers have to say. You sit there and you pretend you're listening and you don't care – and really there's nothing you can do about it anyway. I think the Mayor should sit there and listen to the people. He is the one who the people come to address – not you, because you really don't care what the public opinion is. When I go to the Housing Commission meetings or the other meetings at City Hall – they get peed off because I interrupt these people in trying to tell them things that they should know but they admit they don't know what it's all about. This is what we're getting sick and tired of is these boards that you people have are controlling everybody's life and they're ruining our City on the decisions they're making. They have no idea what's going on and they got no power and most of them aren't even residents of the City or pay property taxes. Now tonight is the same thing when the public is invited to come here and speak up – the least you could do is pretend you're listening. Now Mr. Mayor, the big issue is your budget. I went to a session of it and the only one that was there was Mr. Whitford. Nobody else came. I was there and we had open discussion and it was great. There's a lot of things in there

October 25, 2010

that's got to be explained to the people or suggested to you. You know, I've always complained and commented that the City Hall is not handicap accessible for hard of hearing people and visibility of the readings that what you do. Every place in the City – boardrooms – have all those facilities and in his budget, he mentions it and he says he doesn't have the money. Have you tried grant money from somebody else to pay for the thing? Perhaps the Renaissance Group can take some of that money that they're throwing away in the alleys and put it in our City Hall or something like that, or the Gebbie Foundation who is running our City, or somebody. You got to make this place handicap accessible so people can hear what's going on. Very few people could hear this gentleman here. I sat there – I couldn't hear him and I don't have that problem. I'm not deaf, but you people don't know how to speak, you don't use the microphones properly and you don't even care. Now – Mr. Mayor, make our City Hall handicap accessible. You put hundreds of thousands of dollars down in that sidewalk so that they could come up with the ramp and you make it handicap accessible on all the curbs for the people so that they can get around the City, but when they come in our City Hall they don't know what's going on. There's a lot of questions on that budget that you've got in here and there's no way that the public is going to find out about them unless you are there and explain it to them. It does no good to come to the City Council and ask questions about the budget because they don't even know what's going on. It's your budget – you should be the ones that are taking the conversation or the talk between the public. We're going into the revitalization – the big thing in the City is the reinvesting in city property. Now I don't know why, but I opened up all my papers that I got – I got five different books of a plan that have been presented to the people about this reinvesting in the city property and one from the Strategic Planning Commission, the Renaissance Commission, and I don't think anybody's read it. I went through it, I've been going through it and what I'm getting through all the messages that I got in here is that the property owners are over-assessed. The market values are higher than normal. And the people are being suffered and what we have down now in our City of Jamestown – we have our rental situation which is the one that's controlling the housing situation in Jamestown and there's so many different variations of who pays the taxes. Now there's always been the rumor, Mr. Mayor, that renters pay taxes. No. Renters pay rent, lease fees, they don't pay taxes. Homeowners pay taxes directly plus principle, interest and insurances on the company. The only ones that pay taxes on the rental units is the landlords and they have all been given special dispensations, or whatever it is you want to call it, rates on their houses, the market value and most of them will not rent a house unless they get 100% subsidies from HUD or from CODE or from the Social Services. Most of the property in Jamestown is now being controlled by HUD and Social Services and landlords don't really care about fixing up their property.

Council President Rabb: Excuse me, Mr. Morgante...

Mr. Morgante: ...and I don't blame them. This is the address we've got to address and not listen to those dreams that these committees are coming up with. Thank you.

Council President Rabb: Thank you. The only thing that I feel obligated to comment on as the President of this body, Mr. Morgante, is...

Mr. Morgante: Can you speak up so we can hear you?

October 25, 2010

Mr. Rabb: Yes, sir. I don't always agree with my colleagues on the Council and they don't always agree with me, but I can tell you two things: I don't know of eight other people, nine counting myself, who care as much about this City as we do; otherwise none of us would be sitting here. The second thing is I don't think anyone here is pretending to listen – I think they are genuinely listening...

Mr. Morgante: I'm sorry Mr. Rabb.

Mr. Rabb: Mr. Morgante – I can't let you comment. I needed to comment on what you said. You had your chance now...I'll be happy to talk to you after the meeting. Is there anyone else from the public who would like to address the Council this evening?

Mayor Teresi: Before we move on to the next comment, I would just like to invite Mr. Genco back to conclude his comments at some other time, but in the meantime, Mr. Genco, if I could have a copy of your written comments, I'll see to it that they get copied and distributed to all members of the City Council. I was very interested in what you had to say this evening.

Mr. Morgante: I think your microphone's the only one that works Mr. Mayor.

Mayor Teresi: No. I just yell louder than everybody else.

Mr. Rabb: Thank you Mr. Mayor. I believe you wanted to talk to us sir? Would you please state your name and residential address?

201010A00.07

Terry St. Clair, 1087 N. Main St.: I'm a retired police sergeant and I just wanted to come here. I tried to get ahold of a few of you people. Some of you I've spoken with, some of you – I left messages with, but didn't get an answer back or a call back. I just wanted to speak on behalf of ICMA as a retired police officer. When I got into deferred compensation back about 20 years ago – I've been retired for ten – but when I got back and re-involved with deferred compensation about 20 years ago, and it was two other...and I went through...this is now my third company with the ICMA is the third one. But I just wanted to tell you that what I was told what the system was designed for is exactly what ICMA is providing as of today. I feel it's a good system. I just felt that since I couldn't talk to you over the phone, I'd better come here and let you know that the system does work the way it's designed to work and I would feel, myself, upset if they gave it to somebody because it was a local contract, when, in fact, I know that these people...they provide this service – it's their sole service – that's the only service that they provide and I think that they do quite well at it. Being with Sullivan which was the one before and PEBSCO which was initially the first one – I can speak on behalf of ICMA. I can't speak for anybody who's involved in it now or any other retired people, but I find it works the way it was designed to work and I hope that you guys keep that in mind. Thank you.

STANDING COMMITTEES

FINANCE COMMITTEE

201010A01

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 \$10,553,389.67 in accordance with the period ending October 22, 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 \$9,129,613.08, and payrolls in the total amount of \$1,423,776.59, 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

201010A02

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 Chautauqua Region Community Foundation in an amount not to exceed \$7,000 for the purpose of funding a Tree Planting Program for the Parks, Recreation and Conservation Department at Persell School subject to the approval of the Corporation Counsel as to form.

Carried: 9 ayes, 0 nays

201010A03

BY COUNCILMAN DOLCE:

RESOLVED, That the City Comptroller be, and he hereby is, authorized to make the following amendment to the 2010 General Fund Budget for the purpose of purchasing a replacement back-up generator, removing and underground diesel fuel storage tank as required by New York State Department of Environmental Conservation and upgrade of the City's communications back-up system as follows:

INCREASE:	Appropriations	\$100,000.00
	City Hall building	
	A.1620.0200	

DECREASE:	Appropriations	\$100,000.00
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October 25, 2010

Contingency
A.1990.0400

Carried: 9 ayes, 0 nays

201010A04

BY COUNCILMAN DOLCE:

WHEREAS, in 1986 the City of Jamestown established a deferred compensation plan to be made available to all eligible employees and elected officials pursuant to federal and state regulation permitting such plans, and

WHEREAS, the five (5) year agreement with the ICMA-Retirement Corporation for the administration of the plan will expire December 31, 2010, and

WHEREAS, certain substantial tax benefits accrue to employees and elected officials participating in said deferred compensation plan, and

WHEREAS, the City of Jamestown has solicited proposals from prospective administrators of said deferred compensation plans and has determined that city employees and elected officials would continue to benefit from being offered such a plan, and

WHEREAS, ICMA Retirement Corporation, 777 North Capital Street NE, Washington, DC, has agreed to hold harmless and indemnify the City of Jamestown, its appointed and elected officials and participating employees from any loss resulting from their or their agent's failure to perform duties and services pursuant to the New York State Deferred Compensation Program; now, therefore, be it

RESOLVED, That the City Council of the City of Jamestown hereby continues the City of Jamestown's Deferred Compensation Plan for the voluntary participation of all eligible city employees and elected officials, and be it further

RESOLVED, That the Mayor be, and he hereby is, authorized and directed to execute an agreement with the ICMA Retirement Corporation as plan administrator for a term of five (5) years, beginning January 1, 2011 and concluding December 31, 2015, subject to approval of the Corporation as to form, and be it further

RESOLVED, That the Director of Financial Services is hereby authorized to execute for the City of Jamestown individual participation agreements with each said employee requesting same, it being implicitly understood that other than the incidental expenses of collecting and disbursing the employee's deferrals and other minor administrative matters, there is to be no cost or contribution by the City of Jamestown to the program.

Councilman Dolce: Mr. President, I'd like to make a couple comments. Fellow Council Members, I just wanted to take this time to let you know that I will be voting against this resolution this evening. I want to make it clear that my vote is in no way a reflection on the detailed and thorough analysis of the four plans and the resulting recommendation to renew our contract with ICMA by your administrative team, or the service that ICMA has provided for the past several years. After reviewing the detailed information and listening to the two presentations over the past few weeks, I have concluded that all four of the companies in this analysis are more than capable and qualified to administer the City's deferred compensation plan

October 25, 2010

for our employees. While I believe that ICMA has done a good job, I feel that the proposals are close enough for us to look at awarding this contract to a local business. The other three proposals are from local businesses with local employees and representatives right here. In a time when our local economy is struggling, I believe that we should always strive to promote local businesses, employees and taxpayers. Thank you.

Councilwoman Ecklund: I'm not going to detail you with restating my opinions that are very similar to Council Member Dolce's. I did want to state as did some of these other Council members receive phone calls not only from employees that were in favor of staying with ICMA, but also in favor of changing from ICMA for no reason other than that they were not dissatisfied with their current plan. There is no...they're not happy with ICMA but wanted a local influence. So for that reason, I am not voting in favor of this resolution tonight.

Councilman Taylor: I just wanted to say in regards to this plan, the number of people that I have talked to – Mr. St. Clair too who came a couple of weeks ago to speak on behalf, as well as various phone calls I've gotten over the past several weeks, whether they are current City employees or retired ones, are satisfied with the plan. Those that were retired are even somewhat worried and concerned about what the changes will do. The current plan, in spite of the bad economic times, the economy – they're very satisfied with what they're getting out of it and they were really kind of fearful of what a change would do; so on behalf of those people, I'm definitely supporting the plan because I have heard no negative input myself. More or less, the people within it are satisfied so I will be voting for this proposal.

Councilman Spitale: I've been struggling with this because I like to go local, but when I look at a petition with 148 signatures – the plan belongs to the workers, the employees – it doesn't belong to this Council or anybody else – it's their plan. It's their money, so I will be supporting ICMA.

Councilman Whitford: Thank you Mr. President. There are really several considerations when we're looking at the plans and I'm certainly sensitive about local businesses, but as Councilman Spitale stated, the plan does belong to the participants and we have a consideration of the residents of this City and with ICMA – with that plan the administrative costs have picked up, actually by the plan, and we all know that's by the participants and with our budget constraints, we can ill afford to put more administrative costs into the budget. So I will be voting for the plan.

Carried: 6 ayes, 3 nays – (Dolce, DeJoy, Ecklund)

201010A05

BY COUNCILMAN DeJOY:

RESOLVED, That the Mayor be, and he hereby is, authorized to enter into a contractual agreement with Total Recall Corporation, 17 Washington Ave., Suffern, New York 10901 for

October 25, 2010

the purchase of two (2) Video Surveillance Systems in the amount of \$43,973.00 subject to the approval of the Corporation Counsel as to form.

Carried: 9 ayes, 0 nays

201010A06

BY COUNCILMAN DeJOY:

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

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

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

PROCUREMENT POLICY FOR THE CITY OF JAMESTOWN

1. Every purchase to be made must be initially reviewed to determine whether it is a purchase contract or a public works contract. Once that determination is made, a good faith effort will be made to determine whether it is known or can reasonably be expected that the aggregate amount to be spent on the item of supply or service is not subject to competitive bidding, taking into account past purchases and the aggregate amount to be spent in a year. The following items are not subject to competitive bidding pursuant to Section 103 of the General Municipal Law: purchase contracts under \$10,000 and public works contracts under \$35,000; emergency purchases; goods purchased from agencies for the blind or severely handicapped; goods purchased from correctional institutions; purchases under State and county contracts; and surplus and second-hand purchases from another governmental entity.

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

2. All goods and services will be secured by use of written requests for proposals, written quotations, verbal quotations, or any other method that assures that goods will be purchased at the lowest price and that favoritism will be avoided, except in the following circumstances: purchase contracts over \$10,000 and public works contract over \$20,000; goods purchased from agencies for the blind or severely handicapped pursuant to Section 175-b of the State Law; goods purchased from correctional institutions pursuant to Section 186 of the Correctional Law; purchases under State contracts pursuant to Section 104 of the General Municipal Law;

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

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

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

<u>Estimated Amount of Public Works Contract</u>	<u>Method</u>
\$500 - \$2,999	2 verbal quotations
\$3,000 - \$4,999	2 written/fax quotations
\$5,000 - \$19,999	3 written/fax quotations or written requests for proposals

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

4. Documentation is required of each action taken in connection with each procurement.

5. Documentation and an explanation is required whenever a contract is awarded to other than the lowest responsible offeror. This documentation will include an explanation of how the award will achieve savings or how the offeror was not responsible. A determination that the offeror is not responsible shall be made by the purchaser and may not be challenged under any circumstances.

6. Pursuant to General Municipal Law Section 104-b(2) (f), the procurement policy may contain circumstances when, or types of procurements for which, in the sole discretion of the governing body, the solicitation of alternative proposals or quotations will not be in the best interest of the municipality. In the following circumstances it may not be in the best interests of the City of Jamestown to solicit quotations or document the basis for not accepting the lowest bid:

October 25, 2010

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

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

b) Emergency purchases pursuant to Section 103(4) of the General Municipal Law. Due to the nature of this exception, these goods or services must be purchased immediately and a delay in order to seek alternative proposals may threaten the life, health, safety or welfare of the residents. This section does not preclude alternate proposals if time permits.

c) Purchases of surplus and second-hand goods from any source. If alternative proposals are required, the City is precluded from purchasing surplus and second-hand goods at auctions or through specific advertised sources where the best prices are usually obtained. It is also difficult to try to compare prices of used goods and a lower price may indicate an older product.

d) Goods or services under \$500. The time and documentation required to purchase through this policy may be more costly than the item itself and would therefore not be in the best interests of the taxpayer. In addition, it is not likely that such de minimis contracts would be awarded based on favoritism.

7. This policy shall go into effect immediately and will be reviewed annually.

Carried: 9 ayes, 0 nays

BY COUNCILMAN DeJOY:

WHEREAS, Chapter 204 of the Code of the City of Jamestown provides that it shall be unlawful for any person within the corporate limits of the City of Jamestown to act as a hawker, peddler, solicitor or transient retail business without first having obtained and paid for and having in force and effect a valid, current license therefor, and

WHEREAS, Section 204-2c of the Code of the City of Jamestown provides that the Jamestown City Council may grant exemptions from the provisions of Chapter 204 of the Code of the City of Jamestown for special events or occasions, and

WHEREAS, the special event known as the AAUW What's New Fair is presently scheduled to take place on November 13 – 14, 2010, and

WHEREAS, the organizers of the AAUW What's New Fair have heretofore requested exemption from the provisions of Chapter 204 of the Code of the City of Jamestown for November 13 – 14, 2010 so as to enable up to sixty (60) transient retail businesses to vend their product during the AAUW What's New Fair activities, 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 the AAUW What's New Fair to have up to sixty (60) hawkers, peddlers or transient retail businesses at the Jamestown Community College for the period November 13 – 14, 2010, without need of obtaining the license required by the provisions of Chapter 204 of the Code of the City of Jamestown, provided however, that the permission herein granted shall apply only to those hawkers, peddlers or transient retail businesses authorized by the organizers of the AAUW What's New Fair, which hawkers, peddlers and transient retail businesses shall total no more than sixty (60) in number and further provided that such hawkers, peddlers and transient retail businesses 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 hawkers, peddlers and transient retail businesses shall in all respects accede to the directives of the Deputy Fire Chief and Chief of Police of the City of Jamestown or their designated representatives with respect to the location of any vehicle, trailers or other installations associated with such hawkers, peddlers or transient retail businesses, 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 American Association of University Women (organizers of the AAUW What's New Fair), the Deputy Fire Chief, the Chief of Police and the Corporation Counsel.

Carried: 9 ayes, 0 nays

BY COUNCILMAN DeJOY:

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

October 25, 2010

BANNER HANGING ON UTILITY POLES

\$10.00

Councilman DeJoy: Mr. President, I would just like to say that this fee is not for all banners to be hung on utility poles. It's the decorative ones that are out there now would not incur this type of fee. It's more for advertising of specific events for specific periods of time.

Carried: 9 ayes, 0 nays

PUBLIC WORKS

201010A09

BY COUNCILMAN SPITALE:

RESOLVED, That the bid submitted by Experienced Bricks, LLC, 11 Brynstone Court, Amherst, NY 14228, for **Sale of Used Street Brick**, based on the bids opened October 8, 2010, in the amount of Twenty Thousand Dollars (\$20,000.00), be and the same hereby is accepted, this being the higher of two bids received, and be it further

RESOLVED, That the Mayor be, and he hereby is, authorized to execute an agreement with Experienced Bricks, LLC, which agreement will reflect the services to be performed by Experienced Bricks, 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

PUBLIC SAFETY

201010A10

BY COUNCILMAN SZWEJBKA:

RESOLVED, by the City Council of the City of Jamestown that the Department of Public Works is hereby authorized and directed to post four-way stop signs at the intersection of Falconer Street and James Avenue at the entrance to Jamestown Community College.

Carried: 9 ayes, 0 nays

201010A11

BY COUNCILWOMAN JONES:

RESOLVED, That the following person be, and he hereby is, appointed to the office of

October 25, 2010

Commissioner of Deeds in and for the City of Jamestown for a term of two years:

Mark Heintzman

October 26, 2010 – October 25, 2012

Carried: 9 ayes, 0 nays

NEW BUSINESS

Councilmember Ecklund: I usually don't engage in talking back to Mr. Morgante's comments when he has left, but the one comment in particular that I find very offensive is that no member up here on this Council knows what it's like to do a budget and/or does not know what is entailed. I think this Council has worked very hard in years past and will continue this year to deliver the best budget we can from the Mayor's and Executive Team's budget proposal. It is our job now to understand it unlike he stated that we do not and go through it and come up with recommendations. It is overly offensive to me especially since that is my profession and that is what I do for a living so I just wanted to clear that for the record.

Councilman Taylor: Not preaching to the choir but just to let everybody – get out the word to your family, friends, neighbors that this is an important election, Democrat, Republican or Independent. It's an important election rather it's a midterm locally, federally as well, so just get out the word to vote. Other than that, I would like to also take this time and wish a happy early birthday to my home girl Kim Ecklund.

There being no further business, the meeting was adjourned.

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