

November 29, 2010

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, November 29, 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 Exec. Asst. to the Mayor, Matt Hanley

Council President Rabb called the meeting to order.

Councilwoman/Reverend Maria Jones gave the invocation.

The minutes of the October 25, 2010 meeting were approved.

MESSAGES FROM THE MAYOR

201011B00.01

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:

George Panebianco
245 Camp Street
Jamestown, New York 14701

to be re-appointed Part-time City Court Judge in and for the City of Jamestown, New York.

The term for which said appointment is to be made will expire December 31, 2016.

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Samuel Teresi
Mayor of the City of Jamestown, New York

201011B00.02

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:

Ellen Ditonto
16 Norton Avenue
Jamestown, New York 14701

to be re-appointed Chairperson of the Zoning Board of Appeals in and for the City of
Jamestown, New York.

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

Samuel Teresi
Mayor of the City of Jamestown, New York

201011B00.03

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:

David Daversa
221 Hazeltine Avenue
Jamestown, New York 14701

to be re-appointed a member of the Zoning Board of Appeals in and for the City of Jamestown,
New York.

The term for which said appointment is to be made will expire

November 29, 2010

December 31, 2013.

Samuel Teresi
Mayor of the City of Jamestown, New York

201011B00.04

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:

Jeffrey L. Nelson
90 Howard Street
Jamestown, New York 14701

to be re-appointed a member of the Board of Assessment Review in and for the City of Jamestown, New York.

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

Samuel Teresi
Mayor of the City of Jamestown, New York

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:

Jeffrey Fellows
71 Barker Street
Jamestown, New York 14701

to be re-appointed a temporary member of the Board of Assessment Review in and for the City of Jamestown, New York.

The term for which said appointment is to be made will expire December 23, 2011.

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Samuel Teresi
Mayor of the City of Jamestown, New York

201011B00.05

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:

Cynthia Dinapoli
224 Ahrens Avenue
Jamestown, New York 14701

to be re-appointed a member of the Parks, Recreation and Conservation Commission in and for
the City of Jamestown, New York.

The term for which said appointment is to be made will expire
December 31, 2015.

Samuel Teresi
Mayor of the City of Jamestown, New York

201011B00.06

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:

Martha Zenns
476 Willard Avenue
Jamestown, New York 14701

to be re-appointed a member and Chairman of the Planning Commission in and for the City of
Jamestown, New York.

The term for which said appointment is to be made will expire
December 31, 2015.

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Samuel Teresi
Mayor of the City of Jamestown, New York

201011B00.07

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:

Robert Doverspike
50 Grant Street
Jamestown, New York 14701

to be re-appointed a member of the Property Rehabilitation and Conservation Board of Appeals
in and for the City of Jamestown, New York.

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

Samuel Teresi
Mayor of the City of Jamestown, New York

201011B00.08

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:

Gary Sorenson
123 Price Street
Jamestown, New York 14701

to be re-appointed a member of the Property Rehabilitation and Conservation Board of Appeals
in and for the City of Jamestown, New York.

The term for which said appointment is to be made will expire

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December 31, 2013.

Samuel Teresi
Mayor of the City of Jamestown, New York

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

Carried: 9 ayes, 0 nays

Councilman Whitford moved to approve the appointments.

Carried: 9 ayes, 0 nays

OPPORTUNITIES FOR PERSONS TO ADDRESS THE COUNCIL

201011B00.09

Peter Morgante, 134 Euclid Avenue: For the first time in my life, I've never seen a person here contesting your budget. Of course, nobody knows what's in there. You've haven't told anybody. You don't tell them what you're going to cover, what you've done. Last Monday night you had a public meeting – same thing – you sat there, nobody said anything. Nobody knows what the taxes are involved. You don't even see any policemen here; of course, all City employees got their annual raises and everybody's working happy...but that's why there's no issues. Nobody cares, it seems that way. But the public doesn't know what's going on. Why do you keep everything in the dark? All your executive sessions – the same way. The budget's the most important thing of the City and nobody knows what it's going to entail. I'm quite sure a lot of people have got a lot of suggestions, but there's a problem. You don't listen to them. ...I can't hear you, you don't listen to us. So it's a two way street. Something's got to be done. You just can't continue to operate in the black, I mean in the...whispering messages that you give out. It's not only you – it's in all your committees – they do the same thing – your Safety Committee does the same thing – your special program...all of them – the Housing meetings – all of them sit there, they have people come there, but they never listen to any of the public or pay attention to what they've said. This has got to stop. You people don't run everything like a dictatorship. Now I don't know what's going to happen, you complain – it's gone up this year – next year's going to be worse. I picked up the paper this morning; I suppose none of youse have read it. A big ad in there – “A New Life Begins Now.” I'm going to give it to the Mayor and he can look it over. It's talking about an audio system. I think we should all be tested because you don't hear the people and nobody hears you. That's it.

President Rabb: Thank you. I just feel a need to correct you Mr. Morgante. The budget discussion has been done out in the open and in public. The budget has been published and made available to the public and I can assure you that as I move around the City, I have not heard from people who have come up to me everyplace – in gas stations, supermarkets – to communicate what they thought about the budget; so I have been hearing from the public and I suspect the same is true with the rest of the council members. Whether we agree on the budget or not, but I'm sure we've all listened and heard from the people. Is there anyone else who would like to address the Council this evening?

STANDING COMMITTEES

FINANCE COMMITTEE

201011B01

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 \$8,669,251.36 in accordance with the period ending November 24, 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 \$7,014,857.68, investments in the total amount of \$500,000.00 and payrolls in the total amount of \$1,154,393.68, 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

201011B02

BY COUNCILMAN DOLCE:

RESOLVED, That the Mayor of the City of Jamestown be, and he hereby is, authorized to enter into an agreement with Buffamante Whipple Buttafaro, 201 West Third Street, Suite 300, Jamestown, New York 14701 for a Premium Conversion Plan and Flexible Spending Plan in the amount of \$3.00 per participant for administrative services for the employees of the City of Jamestown for the January 1, 2011 to December 31, 2013 time period subject to the approval of the Corporation Counsel as to form.

Carried: 9 ayes, 0 nays

201011B03

BY COUNCILMAN DOLCE:

RESOLVED, That warrants be drawn and paid to the respective owners and paying agents the sum of eleven thousand eight hundred seventy-eight dollars and thirteen cents (\$11,878.13) in accordance with the bond requirements as follows:

Various Purpose Bonds, Series C issue of March 9, 2006, eleven thousand eight hundred seventy-eight dollars and thirteen cents (\$11,878.13) for six months interest at 3.50% per annum on six hundred forty-five thousand dollars (\$645,000.00).

Note: Refunding of 2000A (partial issues). Interest savings \$6,696.87 for this payment.

Carried: 9 ayes, 0 nays

201011B04

BY COUNCILMAN DOLCE:

RESOLVED, That the City Comptroller be, and he hereby is, authorized to make the following amendments to the 2010 General Fund Budget, to recognize the various contributions to the City of Jamestown from private agencies:

INCREASE: Appropriations \$1,192.00
Summer Band Concerts
A.7270.0499

INCREASE: Appropriations \$10,000.00
Summer Playgrounds
A.7140.0100

INCREASE: Estimated Revenues \$11,192.00
Contributions-Private Agencies
A.0000.2070

Carried: 9 ayes, 0 nays

201011B05

BY COUNCILMAN DeJOY:

RESOLVED, That Firefighter Shawn Tibbitts is hereby authorized to attend the New York State Department of State Code Enforcement Basic Training Program Introduction to Code Enforcement Practices parts 1 and 2 to be held in Cheektowaga, New York November 8-10 and December 7-9, 2010 with expenses to be paid pursuant to Section 77-b of the General Municipal Law.

Carried: 9 ayes, 0 nays

201011B06

BY COUNCILMAN DeJOY:

RESOLVED, that Jeffrey Lehman, P.E., Director of Public Works, is hereby authorized and directed to make an emergency purchase through Ahlstrom-Schaeffer Electric Corp., 46 Hopkins Avenue, Jamestown, NY of one (1) new Milton CAT Outdoor Caterpillar/Olympian Model D175 Diesel Packaged Generator Set, 175 KW, for the amount of \$41,291.00, genset installation for the amount of \$39,409.00, and relocation of a pad mounted transformer for the amount of \$34,200.00, for a total not to exceed amount of One Hundred Fourteen Thousand Nine Hundred Dollars (\$114,900.00) for the Municipal Building at 200 E. Third Street.

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Councilman DeJoy: Mr. President, I just want to say that this appropriation is entirely coming out as an emergency purchase through our contingency line and it isn't a budgeted amount.

Carried: 9 ayes, 0 nays

201011B07

BY COUNCILMAN DeJOY:

RESOLVED, that the City of Jamestown General Operating Budget as set forth herewith, be and hereby is approved and adopted effective January 1, 2011 for the fiscal year ending December 31, 2011, and that the sum shown amounting to \$31,941,680 be appropriated for the use of Boards, Departments, and Officers enumerated, and

WHEREAS, the Budget shows an estimated income from various miscellaneous Revenues of \$17,473,676, and the use of estimated surplus of \$420,000 now therefore be it

RESOLVED, that in pursuance of Section C-39.G. of the Charter of the City of Jamestown, New York, there is hereby levied on the taxable properties and against the inhabitants of the City of Jamestown, New York, and ordered to be raised for the year 2011, the sum of \$14,048,004, the amount which is necessary to be raised by direct tax.

CITY OF JAMESTOWN, NEW YORK
GENERAL OPERATING BUDGET for the Fiscal Year
JANUARY 1, 2011 to DECEMBER 31, 2011

<u>ACCOUNT</u>		<u>2011 BUDGET</u>
<u>GENERAL GOVERNMENT SUPPORT</u>		<u>3,685,499</u>
A1010	COUNCIL	<u>91,050</u>
	Salaries	46,000
	Contractual Services	45,050
A1210	MAYOR	<u>171,401</u>
	Salaries	155,401
	Equipment	-
	Contractual Services	16,000
A1310	DIRECTOR OF FINANCE	<u>126,405</u>
	Salaries	124,955
	Contractual Services	1,450
A1315	COMPTROLLER	<u>191,697</u>

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	Salaries	173,197	
	Equipment	-	
	Contractual Services	18,500	
A1325	TREASURER		<u>118,693</u>
	Salaries	115,543	
	Equipment	-	
	Contractual Services	3,150	
A1355	ASSESSOR		<u>186,315</u>
	Salaries	158,715	
	Equipment	-	
	Contractual Services	27,600	
A1410	CITY CLERK		<u>117,400</u>
	Salaries	76,450	
	Equipment	-	
	Contractual Services	40,950	
A1411	BINGO		<u>500</u>
A1420	CORPORATION COUNSEL		<u>136,170</u>
	Salaries	126,770	
	Equipment	-	
	Contractual Services	9,400	
A1435	HUMAN RESOURCES		<u>46,857</u>
	Salaries	46,257	
	Contractual Services	600	
A1440	ENGINEER		<u>299,645</u>
	Salaries	286,645	
	Equipment	-	
	Contractual Services	13,000	
A1620	BUILDINGS-City Hall		<u>457,352</u>
	Salaries	97,952	
	Equipment	3,000	
	Contractual Services	356,400	
A1621	BUILDINGS-Steele St.		<u>27,992</u>
	Salaries	4,992	
	Equipment	3,000	
	Contractual Services	20,000	
A1640	CENTRAL GARAGE		<u>908,142</u>
	Salaries	423,142	
	Equipment	20,000	

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	Contractual Services	465,000	
A1680	DATA PROCESSING		<u>135,880</u>
	Salaries	112,880	
	Equipment	1,000	
	Contractual Services	22,000	
A1910	PROPERTY & LIABILITY INSURANCE		<u>280,000</u>
A1930	JUDGMENTS & CLAIMS		<u>50,000</u>
A1950	TAXES & ASSESSMENTS ON CITY PROPERTY		<u>120,000</u>
A1964	REFUND OF PROPERTY TAX		<u>-</u>
A1989	GENERAL SUPPLIES		<u>-</u>
A1990	CONTINGENCY ACCOUNT		<u>220,000</u>
<i>PUBLIC SAFETY</i>			<u>10,666,677</u>
A3020	COMMUNICATIONS		<u>63,000</u>
	Salaries	-	
	Equipment	-	
	Contractual Services	63,000	
A3120	POLICE DEPT.		<u>5,251,088</u>
	Salaries	5,035,588	
	Equipment	7,500	
	Contractual Services	208,000	
A3170	COURT SECURITY		<u>163,322</u>
	Salaries	163,322	
	Equipment	-	
	Contractual Services	-	
A3310	TRAFFIC CONTROL		<u>249,096</u>
	Salaries	199,096	
	Equipment	12,500	
	Contractual Services	37,500	
A3330	PARKING METER ATTENDANTS		<u>59,561</u>
	Salaries	55,761	

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	Contractual Services	3,800	
A3410	FIRE DEPT.		<u>4,804,150</u>
	Salaries	4,632,150	
	Equipment	17,000	
	Contractual Services	155,000	
A3510	ANIMAL CONTROL		<u>76,460</u>
	Salaries	48,960	
	Equipment	-	
	Contractual Services	27,500	
<u>TRANSPORTATION</u>			<u>3,487,327</u>
A5010	STREET ADMINISTRATION		<u>80,342</u>
	Salaries	78,642	
	Contractual Services	1,700	
A5110	STREET MAINTENANCE		<u>1,792,985</u>
	Salaries	1,137,985	
	Contractual Services	655,000	
A5120	BRIDGE MAINTENANCE		<u>6,000</u>
	Salaries	6,000	
	Contractual Services	-	
A5142	SNOW & ICE REMOVAL		<u>1,080,000</u>
	Salaries	725,000	
	Contractual Services	355,000	
A5182	STREET LIGHTING		<u>528,000</u>
<u>CULTURE & RECREATION</u>			<u>1,934,631</u>
A7020	RECREATION ADMINISTRATION		<u>157,417</u>
	Salaries	154,717	
	Equipment	-	
	Contractual Services	2,700	
A7110	PARKS MAINTENANCE		<u>901,136</u>
	Salaries	696,136	
	Equipment	15,000	
	Contractual Services	190,000	

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A7120	TREE MAINTENANCE		<u>221,500</u>
	Salaries	200,000	
	Equipment	1,500	
	Contractual Services	20,000	
A7130	SUMMER YOUTH PROGRAM		<u>5,000</u>
	Salaries	5,000	
A7140	PLAYGROUNDS		<u>11,000</u>
	Salaries	10,000	
	Contractual Services	1,000	
A7150	OTHER REC PROGRAMS		<u>2,500</u>
	Salaries	-	
	Contractual Services	2,500	
A7210	STADIUM		<u>161,000</u>
	Salaries	75,000	
	Equipment	6,000	
	Contractual Services	80,000	
A7265	SKATING RINK		<u>3,925</u>
	Salaries	-	
	Contractual Services	3,925	
A7270	BAND CONCERTS		<u>1,250</u>
A7310	YOUTH BUREAU		<u>47,603</u>
	Salaries	43,603	
	Equipment	-	
	Contractual Services	4,000	
A7311	YOUTH PROGRAMS		<u>14,800</u>
A7410	LIBRARY		<u>372,000</u>
A7520	HISTORICAL SOCIETY		<u>28,500</u>
A7550	CELEBRATIONS		<u>1,500</u>
	Special Programming	1,500	
A7623	SENIOR CITIZENS CENTER		<u>5,500</u>
<u>HOME & COMMUNITY SERVICES</u>			<u>788,000</u>

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A8140	STORM SEWERS		<u>213,000</u>
	Salaries	175,000	
	Contractual Services	38,000	
A8170	STREET CLEANING		<u>210,000</u>
	Salaries	205,000	
	Contractual Services	5,000	
A8791	DEPARTMENT OF DEVELOPMENT		<u>365,000</u>
<u>UNDISTRIBUTED</u>			<u>11,379,546</u>
A9010	STATE RETIREMENT		<u>775,000</u>
A9015	POLICE & FIRE RETIREMENT		<u>1,874,000</u>
A9030	SOCIAL SECURITY		<u>1,225,000</u>
A9040	WORKERS' COMPENSATION		<u>360,000</u>
A9050	UNEMPLOYMENT INSURANCE		<u>5,000</u>
A9060	HEALTH INSURANCE		<u>4,000,000</u>
A9061	DENTAL INSURANCE		<u>330,000</u>
A9551	CAPITAL		<u>775,000</u>
	DPW Equipment	48,424	
	Street Reconstruction	283,288	
	Street Resurfacing	283,288	
	Curb & Gutter	50,000	
	Storm Sewer	50,000	
	Sidewalk	50,000	
	Tree Planting	10,000	
A9710	PRINCIPAL - SERIAL BONDS		<u>440,000</u>
	1994 Various Purposes	35,000	
	1999 Various Purposes	160,000	
	2000 Various Purposes	110,000	
	2008 Various Purposes	135,000	
A9711	INTEREST - SERIAL BONDS		<u>351,819</u>

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1994 Various Purposes	5,503
1999 Various Purposes	30,756
2000 Various Purposes	21,831
2008 Various Purposes	293,729

A9730	PRINCIPAL - ANTICIPATION NOTES	<u>-</u>
A9731	INTEREST - ANTICIPATION NOTES	<u>-</u>
A9775	JURA APPROPRIATION - RAMPS	<u>597,410</u>
A9785	INSTALLMENT DEBT - BPU	<u>367,454</u>
A9786	INSTALLMENT DEBT - DPW EQUIP.	<u>278,863</u>
	TOTAL APPROPRIATIONS	<u><u>31,941,680</u></u>

**CITY OF JAMESTOWN
2011 ESTIMATED REVENUES**

ACCOUNT		2011 BUDGET
A1051	Gain on Tax Acquired Property	2,000
A1080	Federal Housing Payments	32,000
A1081	Payments In Lieu of Taxes	143,500
A1090	Interest & Penalty on Taxes	26,000
A1110	Sales Tax	5,300,000
A1170	Franchise Fee	375,000
A1230	City Treasurer's Fees	69,000
A1232	School Tax Collection Fee	13,000
A1255	City Clerk's Fees	73,000
A1311	Utilities Gross Receipts	215,000
A1520	Police Dept. Fees	130,000
A1540	Fire Dept. Fees	38,000
A1550	Dog Violations	2,500
A1589	Traffic Control Fees	1,000
A1590	Parking Violations	175,000
A1710	Public Works Services	80,000
A1720	Parking Lots & Garages	135,000
A1740	On Street Parking Meters	190,000
A2001	Park Fees	37,000
A2401	Interest On Investments	65,000
A2410	Rentals of Tax Acquired Property	2,200
A2412	Rentals of Real Property	156,000

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A2501	Business Licenses	33,000
A2540	Bingo Fees	600
A2542	Dog Licenses	25,000
A2545	Automatic Device Licenses	4,500
A2546	Marriage Licenses	5,500
A2555	Building Permits	25,000
A2560	Street Opening Permits	120,000
A2570	Special Event / Vendor Permits	4,500
A2590	Encroachment Permits	2,000
A2610	Fines & Forfeited Bail	145,000
A2701	Refunds of Appropriated Exp.	75,000
A2770	Other Unclassified Revenues	31,000
A2815	PILOT - Electric	2,076,000
A2816	PILOT - Water	799,000
A2817	PILOT - District Heat	115,000
A2818	PILOT - Waste Water	445,000
A2819	PILOT - Solid Waste	185,000
A2956	Interest on Capital Investments	7,000
A3001	State Aid Per Capita	4,665,000
A3005	State Aid Mortgage Tax	160,000
A3021	State Aid Court Facilities	21,000
A3040	State Aid Real Property Tax Administration	65,000
A3330	State Aid Court Security	245,000
A3501	State Highway Aid - CHIPS	716,576
A3589	State Highway Maintenance	203,000
A3820	State Aid Youth Projects	14,800
A3889	State Aid Youth Bureau	25,000
	TOTALS	<u>17,473,676</u>

Councilman Szwejbka: First, I'd like to thank the Mayor – I think he did a good job putting this budget together, Department Heads, a very difficult year. I'll be supporting it, not that I'm happy with it, but I will support it because it's the best we can do. I'm just concerned – our discussions have all been centered on a practitioner's perspective. We're looking at past practice; we're looking at current practices and we're creating policies and we're continually going on. What I tried to do, and I've basically given up, is to look through a different lens a more theoretical lens saying "where do we want to be and what's it take to get there?" Again, and that's the only way I believe us as a group are going to be able to change. Costs are going to continually go up – the Mayor's going to have to struggle with the budget next year. The Department Heads are going to have to cut things that shouldn't be cut. So, I'm just suggesting down the road we take a different perspective. We start looking at past practice and current practice – yes, they are important – but let's use a little theoretical – let's look at it from a different perspective. Put a different lens on that picture and maybe we can come up with something different. I'll just conclude with something I have my students always read before

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they graduate. People can be divided into three groups: those who make things happen, those who watch things happen and those who wonder what happened. Thank you.

Councilman Dolce: Just briefly, I want to piggyback on what Councilman Szwejbka said. Last week I came to the table with a number of proposals; some of them may be realistic, others maybe not realistic. I think that we're really trying to squeeze as much out of this as possible. Budgeting is difficult and these days it's even more difficult. Many of the lines, particularly in revenue, are best guesses, guesstimations based on past practice. I would like to have seen some more of the proposals that I had put forth put on the table. I've been struggling all week deciding on what to do. I know comments have been made that the tax increase is minimal – it's a very slight tax increase. My biggest concern is not so much what we've done is that on top of what's already occurred county-wide and with the school systems as well, you know, what comes in the future and hoping that we're doing the best and it's a difficult decision to balance having a budget in place for the City that is balanced, that is responsible, that is in the best interests to provide our services, but on the same token, we need to be careful of what we're doing to our constituents in terms of their ability to pay for it. Taxes are high and we need to continually do what we can to squeeze every bit out of what we have here at the City and as Councilman Szwejbka said, look to maybe reinvent the wheel a little bit and come up with some different ways of doing things because costs will go up and it looks like revenues will go down. It's going to be difficult. I will probably be reluctantly supporting this, but I just wish we had done a few more things. Thank you.

Councilman Taylor: Thank you Mr. President. First off, I would like to thank the Executive Branch, the Finance Committee, for their work on the budget, for the proposals that were brought forth, the additional amendments, changes to try to get as close as we can to having no tax increase. I, myself, did feel and was hoping that maybe we could have done a little better, but that being said, I think we did, and I will say, we did pretty damn good with what we had to work with. I think that in spite of these hard times, what everyone's going through with this bad economy, with everything that the citizens, the tax burdens that they have from the State level from the County level, obviously to the City level the Executive Branch found a way, the amendments the Finance Committee found a way to have a tax increase which is pretty minimal. That being said I'm thankful that we were able to keep the City's workforce, no increases, no decreases – that's about to stay the same. I'm also thankful that we, as a Council, were able to get to where we were at at this budget. There were some other proposals – Councilman Dolce's ideas that he had – I tried to present them last minute upstairs; I personally thought we could have possibly gone a little bit more, though it may have been just dollars or cents; but that being said, I definitely am supporting this budget whereas by not supporting this budget with the other budget which is very similar; however it would have a slightly higher tax increase. I think we do need to do more next year, brainstorm, look outside the box, utilize Councilman Szwejbka's ideas and see what more we could do. But I just want everyone to know and let it be known to the taxpayers that this Council worked very hard to do what we could for this budget. In lieu of your situations, in lieu of the poor conditions, the economy so that it wouldn't be much of a burden on you and the City is cut to the bone right now. For that understanding, I do support this budget and just let the citizens and the people of Jamestown know that we'll continue to work hard to do what we can. Thank you Mr. President.

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Councilman DeJoy: Again, I'll reiterate that this budget that was prepared by the Mayor and his administration was under probably some of the most challenging economic circumstances that our City and our State has actually been facing and we know for reliability and certainty that we'll probably be receiving less State aid payments which is an important part of our revenue stream. We know that our State Retirement System which is already bloated will continue to see dramatic increases which are basically unsustainable and even if we wanted to attempt to reduce salary increases or the number of employees as an option where some people may suggest, it's just not truly an available option to us, I believe, at this point. People tend to look back and have some fond memories of the good ole' days and I enjoy reading in The Post-Journal that section "In Years Past," and I tend to like to look at this year – 1960 – 50 years ago when both Mayor Teresi and I were born; we were just mere children and something that came that was very prophetic that was in this last week's paper, a quote...and I'd just like to read it. "Jamestown Mayor, Carl S. Sanford held out little hope for any downward turn in Jamestown's 1961 tax rate as he and City Comptroller Donald W. Swanson got set to tackle the annual task of preparing next year's budget. The Mayor took a Thanksgiving Day respite from the preliminary work in shaping the 1961 budget but beginning the following week he and Mr. Swanson were set to roll up their sleeves and get down to work in earnest. One key question of the tax rate Mayor Sanford said "we would always like to keep the same rate or lower, if possible, but I'll be surprised if we can lower that rate." Now this is during a time when we can probably all remember that Jamestown was teeming with industrial concerns and we can just go down a laundry list of Crawford, Crescent Tool, Proto Tool, Art Metal, Union National. Our downtown was the central hub of retail activity. People came to Jamestown to the big city to shop and that seemed like it was probably the best of times in Jamestown and it's still, even under those circumstances, it was very difficult for the Mayor to keep the same rate or even lower it. Here we are – fast forward – 50 years – under the most difficult economic circumstances of my time and we are proposing to raise the tax levy by 0.75%, less than 1% and with that we are taking some chances. We are appropriating \$420,000 of the fund balance to bring this budget in with less than a 1% tax increase levy; and I will tell you right off the bat, that that makes me nervous. It's an amount that's unsustainable and we can't continue to keep going forward doing that. I agree with Councilman Szwejbka that we do need to keep looking for structural changes and I look forward to his meeting coming up in the near future where we're going to look at some of his ideas; but we are looking at other structural type of ideas. We are exploring ways to better deliver health insurance to our employees and looking for savings there and we've made an investment in there to try to find ways to lower that. We are still looking at different ways to deliver EMS services and more cooperation with the private and public sector. We are looking for ways. And, I too, would have loved to have squeezed a little bit more out of this budget, but there's a point where you can just take away appropriations, but they may not mean anything, especially such as Police and Fire overtime – a couple of bad fires, God forbid, or other circumstances can wipe out and devastate that budget whether it's contingency or whatever line that we're looking at and I feel very proud that we've been able to work together as a Council to bring in this very slight increase and I believe we've tried and would have hoped to have it at zero or even less, but I think we're presenting our taxpayers with a very reasonable and honest and straightforward budget that hopefully we'll still be able to be met and it's going to take some monitoring of the budget and a great deal of fiscal discipline just to bring it in to where we have it this year. So I would like to commend the Mayor and his staff and the City Council for the

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way we've worked together to help keep this tax levy as stable as we can and I will be voting for this budget Mr. President.

Carried: 8 ayes, 1 nay (Ecklund)

PUBLIC SAFETY

201011B08

BY COUNCILMAN SZWEJBKA:

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

Chapter 125, DOGS AND OTHER ANIMALS

ARTICLE I, Control of Dogs [Adopted 7-13-1970]

Section 1. Section 125-1. of the Code of the City of Jamestown is hereby added as follows:

§ 125-1. Statutory authority

This article is enacted pursuant to the provisions of Article 7 of the Agriculture and Markets Law of the State of New York, as amended by chapter 59 Part T, of the Laws of 2010 and as may be subsequently amended or revised.

Section 2. Section 125-2. of the Code of the City of Jamestown is hereby added as follows:

§ 125-2. Purpose

The purpose of this article shall be to preserve public peace and good order in the city of Jamestown and to promote the public health, safety and welfare of its people by enforcing regulations and restrictions on the activities of dogs that are consistent with the rights and privileges of dog owners and the rights and privileges of other citizens of the City of Jamestown.

Section 3. Section 125-1. of the Code of the City of Jamestown is hereby renumbered and amended as follows:

§ 125-3 Definitions. [Amended 6-22-1987; 8-8-1994; 4-25-2005]

For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

AT LARGE -- Any dog that is on property open to the public or is on private property not owned or leased by the owner of the dog unless permission for such presence has been obtained. No dog shall be deemed to be "at large" if it is a guide dog actually leading a blind person, a police work dog in use for police work, or a dog accompanied by its owner or other responsible

person and is actively engaged in hunting or training for hunting on un-posted land or posted land with the permission of the owner of the land or leashed.

LEASHED – restrained by a leash, attached to a collar or harness of sufficient strength to restrain the dog and which shall be held by a person having the ability to control the dog.

CATS -- Both male and female.

ANIMAL CONTROL OFFICER – a person appointed by the city of Jamestown for the purpose of enforcing this article.

DANGEROUS DOG

A. Any dog:

- (1) Which, when unprovoked, approaches a person in a vicious or terrorizing manner in an apparent attitude of attack upon the streets, sidewalks or any public grounds or places;
- (2) With a known propensity, tendency or disposition to attack unprovoked, causes injury or otherwise endangers the safety of human beings or domestic animals;
- (3) Which bites, inflicts injury, assaults or otherwise attacks or endangers a human being or domestic animal or household pet without provocation on public or private property; or
- (4) Which is owned or harbored primarily or in part for the purpose of dog fighting, or any dog trained for dog fighting.

B. No dog may be declared "dangerous" if any injury or damage is sustained by a person who, at the time such injury or damage was sustained, was committing a willful trespass or other tort upon premises occupied by the owner or keeper of the dog or was teasing, tormenting, abusing or assaulting the dog or was committing or attempting to commit a crime. If the trespass is determined to be of an innocent nature, the Court may, depending on the circumstances and in accordance with the procedures set forth in this article, find the dog to be "dangerous."

C. No dog may be declared "dangerous" if it is used by law enforcement officials for law enforcement work.

DOGS -- Both male and female.

OWNER -- Any person owning, keeping, harboring or having the care, custody or control of any dog or cat, and when any such owner shall be a child under the age of 16 years, the head of the household in which such child resides shall be deemed to be the owner of such dog or cat for all purposes of this article. **If a dog is not licensed, the term "owner" shall designate and cover any person or persons, firm, association or corporation who or which at any time owns or has custody or control of, harbors or is otherwise responsible for any dog which is kept in, brought into or comes within the city. Any person owning or harboring a dog for a period of one week prior to the filing of any complaint charging a violation of this article shall be held ad deemed to be the "owner" of such dog for the purpose of this article.**

SECURE ENCLOSURE -- A fence of at least six feet in height or other structure, such as a pen, forming or causing an enclosed area suitable to prevent the entry of young children or any part of their bodies and suitable to confine dangerous dogs, in conjunction with other measures which may be taken by the owner or keeper, such as the tethering of the dangerous dog. Such other

structures shall be securely enclosed and locked and designed with secure sides, top and bottom and shall be designed to prevent the animal from escaping therefrom. If the pen or other structure has no bottom secured to the sides, the sides shall be embedded into the ground no less than one foot.

Section 4. Section 125-2. of the Code of the City of Jamestown is hereby renumbered as follows:

§ 125-4. General regulations.

A. No dog shall be permitted to be at large or allowed to run at large within the City, except that a dog may be upon the private property or premises of another only with the knowledge, consent and approval of the owner of such premises, and further excepting that a dog duly licensed and wearing a collar and license as required by Article 7 of the Agriculture and Markets Law of the state may be upon a public way or public recreation area, provided that such dog is leashed by a leash not exceeding eight feet in length and is then and there under the custody and control of the owner or other competent person accompanying the dog who shall be required to make proper and immediate disposal of any pet excrement. [Amended 6-18-2001]

B. No person who owns or has control of a dog or cat shall permit or suffer such dog or cat to damage or destroy property of any kind of another person, to attack or bite any person peaceably conducting himself in any place where such person may lawfully be or to attack, chase, injure or kill any domestic animal or dog or cat or another person when such animal is in any place where it may lawfully be; for the purposes hereof, when any dog or cat is at large contrary to the provisions of this article and commits any such acts, the owner or person in control shall be deemed to have permitted or suffered the dog or cat to have committed such acts. [Amended 8-8-1994]

C. No person shall keep, suffer or permit to be kept on the premises of the owner or person having control of such dog any dog which by its continual barking, howling or whining or other frequent or long-continued noise shall unreasonably disturb the comfort or repose of any other person.

D. No person who owns a dog or cat shall permit the premises, structure or enclosure in which such dog or cat is kept to be unclean or unsanitary. [Amended 8-8-1994] **Failure to provide adequate food, water or space shall subject said dogs or cats to seizure and confinement. "Adequate" shall mean sufficient for age, size and number of dogs on the premises.**

Section 5. Section 125-5. of the Code of the City of Jamestown is hereby added as follows:

§ 125-5. Licensing of Dogs; fees

- A. All dogs harbored in the City of Jamestown shall be licensed with the Director of Financial Services/City Clerk by the age of four (4) months and shall present a current certificate of rabies and a spaying/neutering certificate, if applicable at the time of making application for a license or for the renewal of an existing license.
- B. All dog licenses shall be valid for a period of one (1) year and shall expire at the end of the month one year from the date of issuance.
- C. The license fee for a spayed or neutered dog shall be \$15.00, which fee includes the assessment of a surcharge of \$1.00 for the purpose of carrying out of a program of animal

population control. The license fee for an un-spayed or un-neutered dog shall be \$22.00, which fee includes the assessment of a surcharge of \$3.00 for the purpose of carrying out of a program of animal population control. Replacement tag fees shall be \$3.00.

- D. The City of Jamestown shall not issue purebred or kennel licenses. All dogs shall be licensed individually in accordance with the fees stated.
- E. The City of Jamestown does not allow the licensing of dogs by a shelter. The shelter must send the adoptive dog owners to the Town or City Clerk in which the dog will be harbored for licensing.
- F. All dog licenses shall be purchased in person at the City Hall or by regular mail. If licensing or renewing a license by mail, the appropriate fee shall accompany the forms. There shall be no refund of fees.

Section 6. Section 125-3. of the Code of the City of Jamestown is hereby renumbered and added as follows:

§ 125-6. Impeding Animal Control Officer

No person shall hinder, resist or oppose the Animal Control Officer or police officer authorized to administer or enforce the provisions of this article in the performance of the officer's duties.

Section 7. Section 125-4. of the Code of the City of Jamestown is hereby renumbered and added as follows:

§ 125-7. Seizure, redemption, disposition, **impoundment fee.** [Amended 2-11-1980; 8-8-1994; 4-25-2005]

The Animal Control Officer or any police officer shall seize any dog found to be in violation of the applicable provisions of this chapter or in violation of the applicable provisions of Article 7 of the Agriculture and Markets Law of this state, and such dog shall be impounded, redeemed, euthanized or sold as provided in Section 117 of the Agriculture and Markets Law of this state or Chapter I, Title 10, Part 2, Section 2, of the New York State Sanitary Code, and the owner of such dog shall pay the costs of seizure and impoundment as therein provided. **The Animal Control Officer or any police officer shall make a record of the matter. The record shall include date of pick up, breed, general description, sex, identification numbers, time of pick up, location or release and name and address of owner, if any.**

The fees for any seizure and impoundment of each dog in violation of this article are as follows:

1. For the first impoundment: \$10.
2. For the second impoundment: \$20 plus \$3.00 per day
3. For the third impoundment: \$30 plus \$3.00 per day

Section 8. Section 125-5. of the Code of the City of Jamestown is hereby renumbered as follows:

§ 125-8. Confinement after attack for rabies determination. [Amended 8-8-1994]

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The owner of any dog or cat which has attacked or injured another person or animal contrary to the provisions of this article shall confine such dog or cat for such length of time as may be directed by the Animal Control Officer or other appropriate authority for the purpose of determining whether such dog or cat is affected by rabies, and if so affected, such dog or cat shall be destroyed under the direction of the Animal Control Officer or other appropriate authority.

Section 9. Section 125-6. of the Code of the City of Jamestown is hereby renumbered and added as follows:

§ 125-9. Dangerous dogs. [Amended 4-25-2005]

The owner of any dangerous dog as defined in § 125-3 of this code shall not thereafter permit such dog to be at any place other than on the premises of the owner unless such dog is securely fitted with a properly fitting muzzle of a type which shall not permit such dog to bite another person or animal, collar and leash. Such leash shall have a maximum length of four feet, and both leash and collar shall have a minimum tensile strength of 300 pounds. It shall be unlawful at all times thereafter to allow said dog to leave the owner's home or a secure enclosure as defined in § 125-1 of this code upon the owner's property unless said dog is muzzled, collared and tethered and under the control of a person at least 18 years of age.

Section 10. Section 125-7. of the Code of the City of Jamestown is hereby renumbered and added as follows:

§ 125-10. Penalties for offenses. [Amended 4-23-1973; 6-22-1987; 8-10-1992 by L.L. No. 2-1992; 10-30-2006]

Except as otherwise provided in Article 7 of the Agriculture and Markets Law, any violation of this article shall be deemed an offense punishable as provided in Chapter 1, General Provisions, Article I, Penalties, except that any violation of § 125-9 of this article shall be deemed a misdemeanor punishable by a fine not exceeding \$1,000 or confinement in jail not exceeding one year, or by both such fine and imprisonment. Each separate offense or misdemeanor, as the case may be, shall constitute a separate violation. The provisions hereof are in addition to the regulations, restrictions, requirements and penalties contained in Article 7 of the Agriculture and Markets Law of the State of New York.

Section 11. Section 125-8. of the Code of the City of Jamestown is hereby renumbered and added as follows:

§ 125-11. Enforcement.

The Chief of Police/**Director of Public Safety** is hereby charged with the duty of enforcing this article and the police officers and Animal Control Officer shall be authorized to issue such process as is necessary to bring violators before the court upon being satisfied that the person to whom such process is issued is in fact the person chargeable with the violation.

Section 12. Section 125-9. of the Code of the City of Jamestown is hereby deleted:

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Section 13. Section 125-10. of the Code of the City of Jamestown is hereby renumbered as follows:

§ 125-12. Exemptions. [Amended 3-9-1992 by L.L. No. 1-1992; 11-27-1995; 2-10-2006 by L.L. No. 1-2006]

There shall be no fee for any license issued for any guide dog, hearing dog, service dog, war dog or police work dog. Each copy of any license for such dogs shall be conspicuously marked "guide dog," "hearing dog," "service dog," "war dog" or "police work dog" as may be appropriate by the Director of Financial Services/City Clerk or other authorized licensing officer.

Section 14. Section 125-11. of the Code of the City of Jamestown is hereby renumbered and amended as follows:

§ 125-13. Application of fees. [Amended 3-9-1992 by L.L. No. 1-1992; 12-11-1995 by L.L. No. 6-1995; 2-10-2006 by L.L. No. 1-2006]

All local dog license fees collected by the Director of Financial Services/City Clerk pursuant to the provisions and this article shall be the property of the City of Jamestown, and said fees shall be used solely for the purposes of controlling dogs and enforcing the provisions of Article 7 of the Agriculture and Markets Law of the State of New York and any rule, regulation, local law or ordinance adopted pursuant thereto, including subsidizing the spaying or neutering of dogs in any facility as authorized under § 116 of Article 7 of the Agriculture and Markets Law of the State of New York and subsidizing public humane education programs in responsible dog ownership.

Section 15. Section 125-12. of the Code of the City of Jamestown is hereby added as follows:

§ 125-14. Disclaimer of Liability

The owner or harbinger of any dog so destroyed under the provisions of this article, whether destroyed by a animal control Officer or police officer or released to an authorized humane society or veterinarian, shall not be entitled to any compensation and no action shall be maintainable thereafter to recover the value of such dog or any other type of damage.

Section 16. This ordinance amendment shall take effect January 1, 2011.

Carried: 9 ayes, 0 nays

201011B09

BY COUNCILWOMAN JONES:

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

Section 1. Section 175-3.A (1). of the Code of the City of Jamestown is hereby deleted for the listed classifications and fees as follows:

Dog License Local Fee License \$10.00 Annual 1 year from date of issuance

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Councilman Taylor: Just one comment Mr. President. I just want it to be known that the changes to these portions of the City Code are due to an anticipation of anticipated fees that the State government is passing on to the City of Jamestown so that's why we're making these amendments and changes to the Code. It's not necessarily a new fee or...I had received some calls or concerns about citizens thinking we're raising the dog license and things like that or raising fees for more income, but it's just money that's being passed, expenses the State's passing down to the City. I just wanted that to be known. Thank you.

Carried: 9 ayes, 0 nays

201011B10

BY COUNCILMAN TAYLOR:

RESOLVED, That the following persons be and they hereby are appointed to the office of Commissioner of Deeds in and for the City of Jamestown for a term of two years:

William Hartley
Julie Kianos

November 30, 2010 to November 29, 2012
November 30, 2010 to November 29, 2012

and be it further

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:

Patricia A. Canby

December 8, 2010 – December 7, 2012

Carried: 9 ayes, 0 nays

NEW BUSINESS

Councilman Taylor: Just one, Mr. President. I just want to remind the community and remind everyone that we do have the City's Christmas Parade, the tree lighting, will be this Friday. Also just a reminder how we're very blessed in this area, especially in the holiday season regardless of belief...spirit...we really have a really good presentation for the City. Christmas in Jamestown, the appearance of downtown, the community activities, the singing, the kids – everything – it's just a pretty inspiring powerful time, so just for everybody to continue to support the holiday

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activities and to really have fun with it and it is something precious and special we have and I think that just needed to be said.

There being no further business, the meeting was adjourned.

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