

December 27, 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, December 27, 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, Director of Public Works Jeff Lehman, Deputy Fire Chief Chet Harvey and Executive Assistant to the Mayor, Matt Hanley

Council President Rabb called the meeting to order.

Sister Christine Marie Nizialek gave the invocation.

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

MESSAGES FROM THE MAYOR

201012A00.01

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:

Mark Mills
351 Baker Street
Jamestown, New York 14701

to be appointed a member of the Plumbing Board in and for the City of Jamestown, New York to fill the unexpired term of Frederick Mills, resigned.

December 27, 2010

The term for which said appointment is to be made will expire
December 31, 2012.

Samuel Teresi
Mayor of the City of Jamestown, New York

201012A00.02

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:

Ronald Cotten
240 Summit Avenue
Jamestown, New York 14701

to be appointed a member and Chairman of the Veteran's Memorial Commission 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

201012A00.03

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:

Clyde Card
574 Front Street
Jamestown, New York 14701

to be re-appointed a member of the Veteran's Memorial Commission in and for the City of
Jamestown, New York.

December 27, 2010

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

201012A00.04

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 re-appointed a youth member of the Youth Services Board of Directors in and for the City
of Jamestown, New York.

The term for which said appointment is to be made will expire
December 31, 2012.

Samuel Teresi
Mayor of the City of Jamestown, New York

201012A00.05

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:

Marcella Keith
16 Richmond Ave.
Jamestown, New York 14701

to be re-appointed an adult member of the Youth Services Board of Directors in and for the City
of Jamestown, New York.

December 27, 2010

The term for which said appointment is to be made will expire
December 23, 2012.

Samuel Teresi
Mayor of the City of Jamestown, New York

201012A00.06

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:

Pierre Richard Fleurant
140 Euclid Avenue
Jamestown, New York 14701

to be re-appointed an adult member of the Youth Services Board of Directors in and for the City
of Jamestown, New York.

The term for which said appointment is to be made will expire
December 31, 2012.

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 Spitale moved to approve the appointments.

Carried: 9 ayes, 0 nays

OPPORTUNITIES FOR PERSONS TO ADDRESS THE COUNCIL

201012A00.07

Dr. Len Faulk, 155 Myrtle Street, Jamestown: I'm a member of the Strategic
Planning and Partnership Commission and have been the Chair of the Commission's Task Force
on Neighborhood Revitalization for the past four years. I'd like to give you some brief
comments, if I could. I want to start by thanking all the people who have contributed to the
development of the Jamestown's Neighborhood Revitalization Plan that is up for City Council

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approval tonight. It would take a great deal of time to mention the very long list of persons who have contributed so much to this Plan so I will simply say that your ideas, unwaivering commitment, extremely valuable inputs and even questions and doubts have demonstrated that Jamestown truly love their City and are willing to do what it takes to make it a more livable city. Your efforts, I believe, will be rewarded with the approval and implementation of the Neighborhood Revitalization Plan. For the record, I would like to briefly summarize what we learned, or what we affirmed about what we already knew to be true when czb, a nationally recognized consultant team, took to our streets and examined all of our houses at least three times, mainly by bicycle, in 2009 and 2010. Czb said that “Jamestown is one of the most beautiful towns in the United States and that Jamestown is a place that ought to be valued and loved more.” Czb stated that a whole new approach is needed – an approach that focuses on growing strengths, not only fixing problems, leveraging reinvestment, not chasing subsidizes and building a case for confidence in Jamestown – not sanctioning the bottom of the food chain, property ownership behaviors of a few reprobates. Simply put – czb gathered volumes of evidence that put an explanation point to the fact that Jamestown has a demand problem to solve. It has supplies of housing that are unmarketable and hold back the great virtues Jamestown does possess. Czb goes on to say that “a critical key in repositioning Jamestown to become a stronger market is to further develop the ongoing partnerships to help make sense for average homeowners to reinvest in their homes. Furthermore, in strategically repositioning for a stronger market, czb recommended that some blocks are more critical than others in shaping the recovery strategy. We should locate those investments on precisely those pivotal blocks that improve the market. Investments and at-risk property in otherwise stable neighborhoods is a particularly powerful tool. As you vote tonight to approve the Neighborhood Revitalization Plan, please keep these things in mind as we move to the critical step of implementing this Plan. First understand that since housing costs are so affordable in our City, housing reinvestment resources are largely in existence already in the pockets of average citizens and that the task of governments and civic organizations will be to create incentives sufficient enough to encourage home owner reinvestment. Czb has recommended two key strategies to incentivize this reinvestment - the cluster good neighborhood initiative and the incentive based good landlord project. Each of these will require homeowner investment and matching investment from the public and the private sectors. In a time of constrained resources we will need to be creative in coming up with these matching investments and reinvesting in housing does not lead to higher taxes. Instead, increasing reinvestment in city homes will cause a rise in home values which will lead to rising sales values which will increase our tax base and actually lead to lower property taxes. There are too many fine recommendations in this report to mention; but let me conclude with two community initiatives that the report recommends. I hope that many of our strong civic and business organizations such as clubs, churches, union groups, corporations, banks, home supply businesses, etc., will sponsor some of these community-based projects. First, create and lead a “sponsor a house” for seniors and disabled for those who are unable to reinvest physically or resource wise into their homes. The second initiative is to develop a free paint program targeting high value improving streets which will dramatically increase the curb appeal of homes in many neighborhoods. With your affirming vote tonight, we can build on efforts already underway and set a high bar for the housing reinvestments that will energize our housing market, grow our tax base and reaffirm our great pride in living in such a beautiful and friendly town. Thank you.

John N. Smith, 285 Hazeltine Ave., Jamestown: I don't have any prepared statements or anything, but it just seems to me...I went to your Jackson Center meeting in August and it just seems to me that it was kind of like a salesmanship seminar or something like that. Everybody just thinks this is great and maybe there are some good things about it. But I think some concerns should be expressed and the last time something like this happened, the Strategic Planning & Partnerships Commission hired the GAR Company out of Amherst and they went around and reassessed the houses and you changed it from about a 1/3 value to full value. Well, what happened is about 1/3 of the homeowners, and our family was one of them, for some reason, the house was reassessed at several thousand dollars more than we thought it should have been and our taxes went up about \$300.00 a year. Now this is the same thing. You guys go out and find yourself some out of town consultant and this is just supposed to be wonderful because all the important people in the town seem to think it is, and I would just like to know how much of this is going to be friendly and voluntary and helpful and how much of this is going to be the velvet fist of the power of the government; and I would like to know that and I would also like to know that there was a quote in The Post-Journal a couple of months ago where the Development Director, Steve Centi, said that this Plan is so aggressive, I would have to hire 10 more people to enforce it. We're already at 91% of maximum taxation. Many of the City employees have already gotten raises for many times over the last two or three years, how is this going to be afforded and how much of this is going to be friendly and voluntary and how much of this is going to be forceful from the government? It's nice that we could encourage people to paint their house or plant flowers or whatever...hey – I'm all for taking care of things, trying to keep things more valuable; but the thing is, I feel that housing is more of a symptom than it is – oh we just fix everybody's houses and everybody will want to move to Jamestown. There are people with very valuable homes in very nice neighborhoods that can't sell them just because local economy and the local tax base is so out of kilter and I'm not against trying to help people and fix things, but this is just being rushed through and how can "joe average citizen" know that something bad isn't going to happen because of this. I'm not saying you're evil people or anything, but hey the last time you hired out of town consultants, our taxes went up \$300.00 and I don't see why. The property value in our neighborhood didn't go up; there wasn't that much inflation during the '80's and '90's and early 2,000's. I feel that if this is a good idea, it should be able to stand up to scrutiny or the questions of someone like me, and I didn't have a prepared statement; I'm a little nervous, so I'll let it go at that. Thank you.

STANDING COMMITTEES

FINANCE COMMITTEE

BY COUNCILMAN DeJOY:

RESOLVED, That bills be audited and warrants drawn on the proper funds in payment of the respective amounts, totals as follows: General Fund, Capital Fund, Special Revenue Fund

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and Trust & Agency Fund \$10,479,041.58 in accordance with the period ending December 21, 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 \$6,592,254.25, investments in the total amount of \$2,540,000.00 and payrolls in the total amount of \$1,346,787.33, 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

201012A02

BY COUNCILMAN DeJOY:

RESOLVED, That Mayor Sam Teresi and City Council members be, and they hereby are, authorized to attend meetings of the Chautauqua County Conference of Mayors, the Southern Tier West Regional Planning and Development Board, the Western New York Regional Economic Development Council, the New York State Conference of Mayors, the National League of Cities and any other job related conferences during 2011, with expenses paid pursuant to Section 77-b of the General Municipal Law.

Carried: 9 ayes, 0 nays

201012A03

BY COUNCILMAN DOLCE:

RESOLVED, That Key Bank of New York, N.A., Jamestown Office, Jamestown, New York; HSBC Bank, N.A., Jamestown, New York; J. P. Morgan-Chase Bank, N.A., Buffalo, New York; Bank of America, Buffalo, New York; Manufacturers and Traders Trust Company, Jamestown, New York; Citizens Bank of New York. Buffalo, New York; Five Star Bank, Olean, New York; First Niagara Commercial Bank, Lockport, New York and New York State Investment Firms be and hereby are designated as depositories of the City of Jamestown and that they be and hereby are requested, authorized and directed to honor checks, drafts, or other orders for payment of money drawn in the City's name, including those payable to the individual order of any person or persons whose name or names appear thereon as a signer or signore thereof, when bearing or purporting to bear the facsimile signatures of the City Comptroller and Director of Financial Services and the above mentioned banks shall be entitled to honor and charge this city for such checks, drafts or other orders, regardless of by whom or by what means the actual or purposed facsimile signatures or signature thereon may have been affixed thereto, if such signature or signatures resemble the facsimile specimen duly certified to or filed with the above mentioned banks by the Director of Financial Services of the City of Jamestown.

Carried: 9 ayes, 0 nays

BY COUNCILMAN DOLCE:

RESOLVED, That the City Comptroller be, and he hereby is, authorized to affect the 2010 General Fund overdrafts as follows:

TO:	<u>GENERAL GOVERNMENT SUPPORT</u>	<u>602,871.00</u>
	A1010.400 City Council	15,200.00
	A1210.100 Mayor	3,200.00
	A1210.200 Mayor	984.00
	A1310.100 Director of Financial Services	5,500.00
	A1310.200 Director of Financial Services	100.00
	A1310.400 Director of Financial Services	600.00
	A1315.100 Comptroller	7,000.00
	A1315.200 Comptroller	1,155.00
	A1325.100 Treasurer	1,000.00
	A1325.200 Treasurer	566.00
	A1355.100 Assessment	10,500.00
	A1355.400 Assessment	4,000.00
	A1410.100 City Clerk	5,000.00
	A1410.200 City Clerk	550.00
	A1410.400 City Clerk	2,500.00
	A1411.400 Bingo	25.00
	A1420.100 Corporation Counsel	2,500.00
	A1435.100 Human Resources	3,000.00
	A1435.400 Human Resources	800.00
	A1440.100 Engineer	19,000.00
	A1440.200 Engineer	4,500.00
	A1620.100 Building - City Hall	15,000.00
	A1621.100 Building - 145 Steele	115.00
	A1640.100 Central Garage	45,000.00
	A1640.400 Central Garage	50,000.00
	A1680.100 Information Services	12,500.00
	A1680.200 Information Services	100.00
	A1680.400 Information Services	10,000.00
	A1950.400 Tax Assess. - City Owned Property	374,000.00
	A1964.400 Property Tax Refunds	476.00
	A1989.400 General Supplies	8,000.00
	<u>PUBLIC SAFETY</u>	<u>93,000.00</u>
	A3310.100 Traffic Control	10,000.00
	A3310.400 Traffic Control	6,000.00
	A3330.400 Parking Meter Attendants	1,500.00
	A3410.100 Fire	70,000.00
	A3510.100 Animal Control	2,000.00

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A3510.400	Animal Control	3,500.00	
<u>TRANSPORTATION</u>			<u>331,600.00</u>
A5010.100	Streets Administration	9,900.00	
A5110.100	Street Maintenance	175,000.00	
A5110.200	Street Maintenance	1,700.00	
A5110.400	Street Maintenance	100,000.00	
A5142.100	Snow & Ice Removal	25,000.00	
	Street		
A5182.400	Lighting	20,000.00	
<u>RECREATION</u>			<u>82,560.00</u>
A7020.100	Recreation Administration	11,000.00	
A7020.200	Recreation Administration	1,725.00	
A7110.100	Parks	25,000.00	
A7110.400	Parks	20,000.00	
A7120.200	Tree Maintenance	150.00	
A7120.400	Tree Maintenance	3,000.00	
A7130.100	Summer Youth Employment	1,550.00	
A7140.100	Summer Playgrounds	4,000.00	
A7140.400	Summer Playgrounds	70.00	
A7210.400	Stadium	11,000.00	
A7270.400	Band Concerts	165.00	
A7310.100	Youth Bureau	4,900.00	
<u>HOME & COMMUNITY</u>			<u>30,000.00</u>
	Storm		
A8140.400	Sewers	30,000.00	
<u>UNDISTRIBUTED</u>			<u>5,000.00</u>
A9050.800	Unemployment Insurance	2,000.00	
	BAN		
A9730.600	Principal	3,000.00	
<u>REVENUES</u>			<u>10,156.00</u>
A.0000.3501	State Highway Maintenance (CHIPS)	10,156.00	
FROM:	<u>GENERAL GOVERNMENT SUPPORT</u>		<u>25,000.00</u>
A1930.400	Judgements & Claims	25,000.00	
<u>PUBLIC SAFETY</u>			<u>4,000.00</u>
A3330.100	Parking Meter Attendants	4,000.00	
<u>RECREATION</u>			<u>40,000.00</u>
A7120.100	Tree Maintenance	25,000.00	
A7210.100	Stadium	15,000.00	
<u>UNDISTRIBUTED</u>			<u>1,086,187.00</u>
A9010.800	Employees Retirement System	108,620.00	
A9015.800	Police & Fire Retirement System	641,388.00	
A9030.800	Social Security	100,000.00	

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A9060.800	Health Insurance	208,723.00
	CHIPS	
A9551.500	Capital	10,156.00
A9775.900	Parking Ramp Debt	5,500.00
A9785.900	BPU Debt	11,800.00

Carried: 9 ayes, 0 nays

Council President Rabb requested that Councilman Whitford assume the chair so that he could sponsor the following resolution.

HOUSING COMMITTEE

201012A05

BY COUNCIL PRESIDENT RABB:

WHEREAS, on November 16, 2010, after months of effort and investment by hundreds of Jamestown area residents and organizations, interested in and concerned about the health and viability of Jamestown's residential neighborhoods, the Jamestown Planning Commission recommended to the Jamestown City Council the acceptance of the multi-faceted and comprehensive report, **'City of Jamestown, New York: A Livable Community'**; and

WHEREAS, said report is based upon and built around a neighborhood improvement study and strategy prepared by czb, LLC entitled **'Report to the City of Jamestown, NY: Reinvesting in Itself'**; and

WHEREAS, the Jamestown City Council agrees that Neighborhood Revitalization is a high priority for the City of Jamestown; now therefore be it

RESOLVED, that the Jamestown City Council hereby accepts the attached community driven plan, **'City of Jamestown, New York: A Livable Community'** as the official Comprehensive Neighborhood Revitalization Strategy for the City of Jamestown.

Councilman Dolce: Just a couple of comments, briefly, I just want to thank the members of the Strategic Planning Commission and Len Faulk and Bob Doverspike and many others that have spent a long time working on this Plan. Also going all the way back several years ago when housing was an initiative that was put forth by previous councils, probably about seven or eight years ago with the creation of the Housing Committee. It's been an on-going issue that we've picked up and have really gone with and the Strategic Planning Commission went from there. I did also want to, since we had another gentleman, Mr. Smith's comments tonight, just to alleviate some of his fears that...I don't think the intention, or I know the intention is not to raise taxes on anybody...and the one thing he did say that is very true is that our housing problems are a symptom of other causes – economic problems in our community – and the housing is one piece to that that we're going to be working on housing, but we also realize that the housing issue is probably a result of many other things over the past several decades that have occurred: loss of population, unemployment, relocation, and what have you; but I can assure you that after

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seeing both of these plans – the czb as well as the City’s Plan coming together, that those issues were certainly things that we looked at and I can assure you that’s not the intention and certainly I would probably say that that was not the intention of the Strategic Planning Commission as well. Again, I want to thank everybody for this and this is a document that is an on-going thing – it’s a work in progress. Many of the things in there – they’re not going to happen tomorrow, they’re not going to maybe even happen next year; but like any other plans, it’s a blue print to try to address some of the issues that we have in housing in our neighborhoods. Thank you.

President Rabb: I just have a few brief remarks for this evening. Much has been written; much has been said; some of it accurate, some of it in anger, but sometimes when people talk in anger, I try to remember that means that people care about our City. I think what we have before us and I hope all of our Council members can vote “yes” on this, is what I consider to be the most unique, comprehensive Neighborhood Revitalization Plan that I’ve ever seen. It’s based on a lot of hard work and two basic ideas. One is to take a market approach to developing our neighborhoods by bringing supply into equilibrium with demand. The other part about this Plan is that it focuses and builds on our strengths and I would like to remind everybody that there are a lot of strengths in this City and not just concentrate on our weaknesses. I know Councilmember Dolce started thanking some people. I know Dr. Faulk didn’t want to get into that and start thanking people in part because I guess when you do that, you worry you’re going to leave people out; but I have been involved with development of this Plan since before I got on the Council having been Chairman of the City Planning Commission – I think, if I remember correctly for ten years – time flies – and during that time, I was at probably most of the meetings and I saw a lot of hard work done by a lot of people. Sometimes it was stressful and frustrating and you could feel it in the room, but again I thought that just means we really care. We don’t always have to agree except on one thing – that we care – and so there’s several folks and groups that I do want to thank. One is the Strategic Planning & Partnership Commission, especially the Neighborhood Revitalization Task Force under Dr. Leonard Faulk’s leadership. You might be too modest to point that out, but I’m happy to point out Dr. Faulk’s efforts. I know how many meetings he went to; I know how many people he listened to and he did a remarkable job. I also want to thank the Jamestown Planning Commission under the Chairwomanship of my friend and colleague Martha Zenns. I was at a lot of the meetings that Martha chaired where she got an awful lot of input on what was good, bad or indifferent about this Plan and handled the meetings extraordinarily well. I also want to thank the Department of Development staff. We sometimes forget that the professional staff at City Hall – yes, they get paid to do the job, but I think the people in our Department of Development staff went way above and beyond what they got paid for. I also want to thank the Chair of our Housing Committee, Councilmember Whitford; I know that he was at least one meeting where we both took a lot of heat and that’s part of the job and I understand that. I also want to thank Councilmember Dolce who headed the Housing Subcommittee dealing with a lot of the issues that this Plan is addressing; but most importantly, I want to thank the citizens of our neighborhoods. I don’t always have to agree with Mr. Smith, although I think he’s got good points. I don’t always have to agree with Bob Doverspike, although I think Bob always has great points, but if this Plan is going to work, it’s because we care enough to make it work. Let me end by saying, this Plan isn’t the last step. This isn’t the first step. This is the next step in an on-going process that will work if we will make it work, and I am confident that we will. Thank you Mr. Whitford.

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Councilman DeJoy: I just want to make some brief comments if that's okay. Again, I would like to thank all those that have had a touch on with this Plan. It has been a long time. It hasn't been a Plan that has been rushed through, but what has really struck me about this whole process, is the passion that has been demonstrated by people within the community and I thank Mr. Smith – one of my constituents – for coming out and showing his passion tonight. I do want to also tell you, it hasn't been just the important people, as you have tried to characterize it, I've seen a lot of people that are just regular working people that have never really been engaged or involved in anything, but have come because this is their City and they want to make it beautiful and they don't want to have to have their's be one of the only nice houses that's being kept up in their neighborhood. This is a voluntary effort and it's an effort to beautify our neighborhoods and stabilize them and to address some of the technical things such as supply issues; so I encourage all my Council colleagues to vote on behalf of this project and again, I want to thank all those that have been involved, Martha Zenns, Len Faulk, Bob Doverspike and all the members in the community that have come to all of these meetings and have expressed their passion for really making this work.

Councilman Whitford: I would just like to speak briefly and at least answer Mr. Smith's question. I've been involved with this process for a considerable amount of time, and not as much as President Rabb or the Planning Commission or Councilman Dolce; but I will tell you there were no stones unturned. Education will be involved; the faith community will be involved; private industry will be involved; the healthcare community will be involved; the philanthropic will be involved; and Jamestown City Council, all the citizens of Jamestown, and I will tell you with 100% certainty that the success or the failure to this Plan will depend on the residents of this City. Nobody is going to be forced to do something they are unable to do without help from the organizations that are able to help; and we have to work as a community, as an entire community, private and public and the residents and anyone who has interest in Jamestown whether they own property, they live here, they work here or they're educated here. So I will tell you my challenge to this Plan is that we engage this community – the residents of this community – and I mean the renters, the homeowners, the landlords and work together for a common goal. This Plan is the best plan that I've seen. Thank you.

Council President Rabb reassumed the Chair.

Carried: 9 ayes, 0 nays

PUBLIC WORKS

201012A06

BY COUNCILMAN SPITALE:

RESOLVED that the Mayor be, and he hereby is, authorized to enter into an agreement with the County of Chautauqua amending the Snow Removal & Ice Control Agreement dated August 16, 2010 (05-25-33D), to extend the term from September 30, 2010 through April 30,

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2015, which Amendment also sets out the new contract amounts of 5% increase each year through April 30, 2015, all subject to the approval of the Corporation Counsel as to form.

Carried: 9 ayes, 0 nays

PUBLIC SAFETY

201012A07

BY COUNCILMAN SZWEJBKA:

RESOLVED, That the regular meetings of the City Council of the City of Jamestown shall be held in the City Council Chambers, Municipal Building at 7:30 p.m. beginning the evening of January 31, 2011 and on scheduled Monday evenings thereafter in the year 2011, at the same time and place.

January 31	July 25
February 28	August 29
March 28	September 26
April 25	October 24
May 23	November 28
June 27	December 19

Carried: 9 ayes, 0 nays

201012A08

BY COUNCILMAN TAYLOR:

RESOLVED, That The Post-Journal be and it hereby is, designated as the official newspaper for the publications of proceedings and official notices for the City of Jamestown for the period January 1, 2011 through December 31, 2011.

Carried: 9 ayes, 0 nays

201012A09

BY COUNCILWOMAN JONES:

RESOLVED, That the Jamestown City Council hereby grants the following organizations a Games of Chance (Bell Jar) license for the 2011 calendar year:

Jamestown Lodge #263 BPO Elks
Chautauqua Aerie #2145, Fraternal Order of Eagles, Inc.
Loyal Order of Moose Lodge #1681

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Women of the Moose Chapter 87
Jamestown Vietnam Veterans
ILS Veterans Club Inc.

Carried: 9 ayes, 0 nays

NEW BUSINESS

BY COUNCILMAN DOLCE:

201012A10

WHEREAS, the City of Jamestown entered 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, resolution 201011B02, on November 29, 2010 for the January 1, 2011 to December 31, 2013 time period, and

WHEREAS, the Premium Conversion and Flexible Spending Plan is required to be amended in accordance with the Patient Protection and Affordable Care Act and the Health Care and Education Reconciliation Act effective December 31, 2010, now therefore be it,

RESOLVED, That the Amendment to the City of Jamestown Premium Conversion Plan and Flexible Spending Plan, is hereby approved and adopted and that the Mayor of the City of Jamestown be, and he hereby is, authorized and directed to execute and deliver to the Administrator of the Plan the amendment subject to the approval of the Corporation Counsel as to form.

Carried: 9 ayes, 0 nays

201012A11

BY COUNCILMAN DeJOY:

WHEREAS the level of property taxation throughout New York has reached dangerously high levels; and

WHEREAS New York leads the nation in property taxes simply because it leads the nation in imposing inefficient state mandates on its local governments; and

WHEREAS two of the largest components of every municipal budget over which local officials have little or no control – pension payments and health insurance costs – are increasing at exorbitant rates; and

WHEREAS in the case of pension costs, bills from the State Retirement System will increase by an average of 40% in both 2011 and 2012; and

WHEREAS state laws pertaining to the collective bargaining of contracts between municipalities and employee unions, particularly those pertaining to firefighters and police officers, do not allow local officials to reasonably control the costs such contracts impose on property taxpayers; and

WHEREAS as a solution to New York's property tax crisis, the Governor of New York and the New York State Legislature will, in 2011, consider enactment of legislation imposing a cap on the annual growth in property taxes; and

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WHEREAS a property tax cap will only work if it is simultaneously accompanied by a repeal of current state mandates that require local governments to increase spending and property taxes; and

WHEREAS a property tax cap without repeal of costly state mandates will, by definition, lead to financial insolvency of local governments, drastic cuts in essential local services and dramatic layoffs of municipal employees, now therefore be it

RESOLVED by the City Council of the City of Jamestown that the Governor of the State of New York and the members of the New York State Senate and New York State Assembly must reform the cost drivers that lead to high property taxes in New York – including pension benefits, health insurance costs and the collective bargaining process – as the central element of any effort to provide long overdue property tax relief to the residents and businesses of New York, and be it further

RESOLVED that a certified copy of this resolution be forwarded to Governor Andrew M. Cuomo, New York State Senate President Pro-Tempore Dean G. Skelos and Minority Leader John Sampson, New York State Assembly Speaker Sheldon Silver and Minority Leader Brian M. Kolb, New York State Senator Catherine M. Young, Member of Assembly Andrew Goodell and the New York State Conference of Mayors.

Councilman DeJoy: We recognize that New York State has such high property taxes and there are State mandates that are driving those costs, and this is just basically a resolution that we're going to be sending to our leaders in the New York State government saying that if there is going to be a property tax cap imposed upon cities and municipalities and villages and towns, that there also has to be accompanied relief on some of the State mandates and we're just letting them know this is how we feel.

Carried: 8 ayes, 1 nay (Spitale)

There being no further business, the meeting was adjourned.

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