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, November 28, 2011 at 7:30 p.m.

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

Others Present: Mayor Samuel Teresi, Director of Financial Services/City Clerk James N. Olson, City Comptroller Joe Bellitto, Director of Public Works Jeff Lehman, Deputy Fire Chief Chet Harvey, Police Captain Barry Swanson

Council President Rabb called the meeting to order.

Councilwoman Maria Jones gave the invocation.

The minutes of the October 24th, 2011 meeting were approved.

OPPORTUNITY FOR PERSONS TO ADDRESS THE COUNCIL

201111B00.01

Richard Edward McQuay, Sr., 368 Buffalo Street: I am here because I've been told to deliver a message to the President of the Jamestown City Council. Now when I started speaking in front of this Council, on the second week the President approached me in this front row and talked to me. My eyes were open and I saw that his heart was black so when I went home I talked to my religious advisor and he said the reason why his heart was black is because he had sold his soul to the Angel of Darkness. Now they have what they call the Book of Life and in that Book of Life is names but because he had sold his soul to the devil, his name has disappeared from the Book of Life. He will not be judged in the coming days of the judgment for he has already been judged by God. When he dies he will no longer exist either in Heaven or on Earth, but only in hell. I'm sorry to give this bad sightings, but it is also written in the Good Book that the sins of the father are upon the son, so not only has he condemned himself, but he has condemned his children and his childrens children. Now this would be what I would say that may God have mercy upon his soul, but he has no soul for he has sold that to Lucifer. Good night.

President Rabb: Well, I would normally say "thank you Sir," but I'm going to abstain from that privilege this evening. Is there anyone else who would like to address the Council this evening?

201111B00.02

Peter Morgante, 134 Euclid Avenue: The microphones are working, I guess – I'm glad it is. Mrs. Jones – if you had picked up the microphone and held it up, you could have spoken better instead of leaning over…there's a cord on those microphones I think. You spend $4,000 – you might as well use them and sit up straight in your chair so that we can hear you. I attended your council session last week which had to do with the budget and then we get the other report in The Post-Journal on the same budget and the facts are different from The Post-Journal's and your report. Then we see the article in the paper there that Mr. Dolce wants to make more cuts to the thing and that came out Sunday. Now the one thing I'm finding wrong with City Council and it was brought up on the radio show today if you listened – some of you I know listen to that radio show pretty regular, but people are not informed of what's going on in the City and they don't find out until a week later. Now if you notice though, the issues that Mr. Dolce was talking about which was printed Sunday happened last Monday and The Post-Journal puts in a week later. The only one that puts in local news pretty up to date is the radio station – Terry. Cable doesn't put it in anymore and I don't know why he's here tonight – I mean they don't broadcast anymore – unless something is going to happen. What I wanted to address was this budget process that you're going through and all I know and what I hear is we're facing another 2% raise in our taxes. Does that include the 2% tax that the governor is allowing you to put through? If it's 2% that he's allowing you and a 2% increase that Mr. Teresi's put in on our budget – that's going to be a 4% and no new raises…

President Rabb: I think you're misunderstanding that Mr. Morgante.

Mr. Morgante: This is what we don't know. All we hear is – there's going to be a 2% increase in the property taxes. Now you know, actually the budget process that you go through doesn't really make sense. The first thing that I would do if I was the Mayor, sorry Sam – I don't want the job – but I would ask Mr. Olson "how many people didn't pay their taxes last year?" What is the situation in the City of Jamestown with the property owners? Can they afford tax money? What's happening? Nobody knows. We don't know how many people are delinquent – do we? It's never reported – nobody ever asks. We're going to make the people pay these taxes. You come out with a budget in 2011 – now my eyes aren't that good – I just had cataract surgery by the way – and if you think my investigation of this is hard you ought to see me with my insurance papers. Last year's budget was something like $32,000,000 but the department heads and everybody else is requesting $44,000,000 and you end up with $33,000,000 which is an increase of $1,000,000. And then you go down, and this is my problem I can't understand, the property taxes on properties is $14,000,000. The original request is $28,000,000, but the Mayor is settling for $14,000,000 – where's that $11,000,000 difference coming from? Does this mean that 50% of our property is tax exempt? That's why figures are…I mean they're deceiving and they're looking for a purpose…

Mr. Dolce: Can we just answer him very quickly? Mr. Morgante – I think you're confusing the request from the department heads with the actual Executive Budget and the department heads come in and they request a certain amount and then the Mayor and his administration then cuts that down to a certain level before the Council gets it.

Mr. Morgante: Mr. Dolce – the request is from the department of the Assessor's Office. The Assessor's Office says that you got $28,000,000 in property taxes you got to go collect. Now he doesn't say "who's tax exempt."

President Rabb: Mr. Morgante – excuse me Sir – you're at the five minute limit.

Mr. Morgante: What's that?

President Rabb: You're at the five minute limit and I have to interrupt you.

Mr. Morgante: I'm not saying a five minute limit…

President Rabb: No. No. No. – I'm saying you had your five minutes – I have to stop you unfortunately.

Mr. Morgante: Come on Mr. Rabb.

President Rabb: It's a five minute limit Sir.

Mayor Teresi: Mr. President – since Mr. Morgante's time is up, I'd be happy at a time that's convenient to him to sit down and walk through the numbers for him and to answer any of the questions that he still may have or issues that he would like to have clarified further. I'd be happy to do that in my office at a time that's convenient to him.

Mr. Morgante: I don't want a private meeting. I want the Council to inform the public – that's why I'm here.

President Rabb: I understand.

Mr. Morgante: I believe that when I get on the radio or I come here, I have to inform the public on issues on how our property taxes are paid.

President Rabb: …and I appreciate that, but I still have to…

Mr. Morgante: …and I don't think that anybody should be tax exempt because Mr. Rabb – we all got to understand one thing Mr. Rabb. City services are property taxes.

President Rabb: Mr. Morgante – I think we all understand that but I…well, thank you. Is there anyone else who would like to address the Council?

Mayor Teresi: My offer still stands.

President Rabb: Is there anyone else who would like to address the Council this evening?

Vince Ognibene, 516 Margaret Street in Jamestown: I pay taxes there. Mr. Morgante, I believe it is, brought up several interesting points several of which I find myself in agreement with. I'm going to refer you to an article in the Erie newspaper dated 25 September of this year. The banner states "leadership is needed to ease the burden tax exempt property puts on Erie." Very nice article. I hope whoever's taking notes will turn them off – turn your devices off because the last time I spoke negatively about not-for-profits and tax exempts at this arena, I received no recognition at all. My wife – poor soul – has given it up – she feels it's an exercise in futility. I think we need to think outside the box about the tax exempt properties and their continued acquisitions of parcels within the City of Jamestown. I don't believe that the benefits trickle down to the taxpayers. The City of Erie has what we're all familiar with – the payment in lieu of taxes. They went to litigation to make sure that those funds went to the Erie Public School System, I believe. Maybe we ought to try something like that here. At any rate – I'm encouraging the City Government to take another look at the tax exempt and not-for-profit situation. No less a City than Harrisburg, Pennsylvania has filed for Chap. 11 protection – that is a State Capitol. I don't see how we can go on here with the tax exempts gaining more properties so that I can have my name on a bathroom door or on a wheelchair or however I choose to be remembered for posterity's sake. I really wish…maybe we could think about declaring a moratorium on the further acquisition of tax exempt and not-for-profit properties in this City. I think that's it. Nope – one quote from a gentleman who frequents City Hall and he's pretty familiar with the goings on here much more than I am and one of his opinions to a local media I think he ended his letter by asking the question "how stupid do they think we are down here?" Do you recall that?

Mr. Morgante: I have that copy.

Mr. Ognibene: That's a great question. "How stupid do they think we are down here?" Thank you for your time.

President Rabb: Thank you. Is there anyone else who would like to address the Council this evening?

201111B00.04

Wayne Carlson, 305 Niagara Avenue, Jamestown, New York: The thing that kind of bothers me is The Lutheran Home down there, buying these houses, taking them off the tax roll, and who's going to be paying for these taxes in Jamestown – the Senior citizens? We can't afford this kind of stuff. You guys have got to realize that we're older, we get sick, but we've got to have protection from selling these houses, knocking houses down and everything else so I think it's a bad idea that The Lutheran Home took down a $80,000 home, probably another $68,000 home and they're demolished. So off the tax rolls it goes – who's going to get it? The taxpayers of Jamestown. Thank you for your time.

President Rabb: Thank you. Is there anyone else who would like to address the Council this evening?

President Rabb: Resolution No. 7 will be pulled.

STANDING COMMITTEES

FINANCE

201111B01

BY COUNCILMAN DeJOY:

RESOLVED, That bills be audited and warrants drawn on the proper funds in payment of the respective amounts, totals as follows: General Fund, Capital Fund, Special Revenue Fund and Trust & Agency Fund $8,170,036.76 in accordance with the period ending November 25, 2011, 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 $6,387,174.59, investments in the total amount of $600,000.00 and payrolls in the total amount of $1,182,862.17, 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

201111B02

BY COUNCILMAN DeJOY:

RESOLVED, That Lieutenant Donald Mowry be, and he hereby is, authorized to attend the New York State Department of Health Certified Instructor Coordinator class to be held in Batavia, New York on February 10, 11 18, 2012, with expenses paid pursuant to Section 77-b of the General Municipal Law.

Carried: 9 ayes, 0 nays

201111B03

BY COUNCILMAN DeJOY:

RESOLVED, That warrants be drawn and paid to the respective owners and paying agents the sum of nine thousand nine hundred fifty-three dollars and thirteen cents ($9,953.13) in accordance with the bond requirements as follows:

Various Purpose Bonds, Series C issue of March 9, 2006, nine thousand nine hundred fifty-three dollars and thirteen cents ($9,953.13) for six months interest at 3.50% per annum on five hundred thirty-five thousand dollars ($535,000.00).

Note: Refunding of 2000A (partial issues). Interest savings $5,684.37 for this payment.

Carried: 9 ayes, 0 nays

201111B04

BY COUNCILMAN DOLCE:

RESOLVED, That the City Comptroller be, and he hereby is, authorized to make the following amendments to the 2011 General Fund Budget, to recognize the various contributions to the City of Jamestown from private agencies:

INCREASE:	Appropriations Summer Band Concerts A.7270.0499	$1,945.00
INCREASE:	Appropriations Summer Playgrounds A.7140.0100	$10,000.00
INCREASE:	Estimated Revenues Contributions-Private Agencies A.0000.2070	$11,945.00

Mr. Dolce: Those would be for events like summer band concerts, summer playgrounds and various events like that from some of the private agencies in Jamestown.

Carried: 9 ayes, 0 nays

201111B05

BY COUNCILMAN DOLCE:

WHEREAS, the New York State Deferred Compensation Board (the "*Board*"), pursuant to Section 5 of the New York State Finance Law ("*Section 5*") and the Regulations of the New York State Deferred Compensation Board (the "*Regulations*"), has promulgated the Plan Document of the Deferred Compensation Plan for Employees of Jamestown, New York (the "*Model Plan*") and offers the Model Plan for adoption by local employers;

WHEREAS, the City of Jamestown, pursuant to Section 5 and the Regulations, has adopted and currently administers the Model Plan known as the Deferred Compensation Plan for Employees of Jamestown, New York;

WHEREAS, effective August 26, 2011 the Board amended the Model Plan to adopt provisions

- No initial Enrollment Application or a modification to an Enrollment Application will be effective before the first payroll date in the calendar month following the month in which the Participation Agreement is filed (Section 2.1(a)). An exception is permitted for a new employee who submits an Enrollment Application on or before the person's first date of employment.

- No deferral change (increases, decreases, or suspension of deferrals) will be effective before the first payroll date in the calendar month following the month in which the deferral change is requested. (Section 3.1(a), (b), and (d)).
- The initiation of Roth contributions or any subsequent change to a deferral rate where the deferral includes contributions to a Roth account will not be effective before the first payroll date in the calendar month following the month in which the deferral rate change is requested (Section 3.1(c)).
- In regard to an incoming rollover distribution, the Administrative Service Agency may require documentation from the distributing plan that a rollover is in compliance with federal law (Section 5.2).
- In regard to an Unforeseeable Emergency Distribution, the plan participant is to designate the amount of this distribution that is to be made from his or her pre-tax account and/or Roth account (Section 7.1).

WHEREAS, the Board has offered for adoption the amended and restated Model Plan to each Model Plan sponsored by a local employer in accordance with the Regulations; and

WHEREAS, upon due deliberation, the City of Jamestown has concluded that it is prudent and appropriate to amend the Deferred Compensation Plan for Employees of Jamestown, New York by adopting the amended Model Plan, now therefore be it

RESOLVED, that City of Jamestown hereby amends the Deferred Compensation Plan for Employees of Jamestown, New York by adopting the amended Model Plan effective August 26, 2011.

Carried: 9 ayes, 0 nays

201111B06

BY COUNCILMAN DOLCE:

WHEREAS, on May 19, 2008, the Jamestown City Council accepted the New York State Environmental Protection Fund grant # 540504, in the amount of $325,500 along with other grant funds for the purpose of the restoration and redevelopment of the Gateway Station located at 211-217 West Second Street, Jamestown, New York; and

WHEREAS, the work for which the New York State Environmental Protection Fund grant # 540504 was earmarked has been completed; and

WHEREAS, the City's Department of Development, Finance Department, and Department of Public works are working together to assemble and submit all required information to New York State in order to draw down the $325,500 Environmental Protection Fund grant # 540504; and

WHEREAS, due to short-term cash flow needs of the Gateway Station project and in consideration of the length of time it may take the state to process the City's draw down request; and

WHEREAS, the "first-instance" Urban Development Action Grant proceeds which comprise the Jamestown Local Development Corporation revolving loan funds are earmarked for Title I eligible economic development purposes; now therefore be it

RESOLVED, that the Jamestown City Council hereby approves the use of up to $400,000 of the "first-instance" Urban Development Action Grant proceeds managed by the Jamestown Local Development Corporation to finance short term cash flow needs of the Gateway Station project located at 211-217 West Second Street, Jamestown, New York, and be it

FURTHER RESOLVED, that any of the "first-instance" Urban Development Action Grant proceeds utilized to cover short term cash flow needs of the Gateway Station project be fully reimbursed to the Jamestown Local Development Corporation immediately upon release of the New York State Environmental Protection Fund grant #540504 or from other approved grant sources that will fund the project in the future.

Carried: 9 ayes, 0 nays

PUBLIC SAFETY

201111B07

BY COUNCILMAN SZWEJBKA:

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

Section 1. Section 290.24.D of the Code of the City of Jamestown is hereby amended as follows:

Monroe Street between Hamilton Street to West Third Street

Section 2. This ordinance amendment shall be effective immediately upon adoption.

Carried: 9 ayes, 0 nays

NEW BUSINESS:

201111B08

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, 2012 for the fiscal year ending December 31, 2012 and that the sum shown amounting to $33,058,765 be appropriated for the use of Boards, Departments, and Officers enumerated, and

WHEREAS, the Budget shows an estimated Income from various miscellaneous Revenues of $18,023,710 and the use of estimated surplus of $715,000, now therefore be it

RESOLVED, that in pursuance of Section-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 2012, the sum of $14,302,055, 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, 2012 to DECEMBER 31, 2012

ACCOUNT			2012 BUDGET
GENERAL GOVERNMENT SUPPORT			**3,706,646**
A1010	**COUNCIL**		89,050
	Salaries	46,000	
	Contractual Services	43,050	
A1210	**MAYOR**		161,194
	Salaries	145,194	
	Equipment	-	
	Contractual Services	16,000	
A1310	**DIRECTOR OF FINANCE**		126,605
	Salaries	125,155	
	Contractual Services	1,450	
A1315	**COMPTROLLER**		191,697
	Salaries	173,197	
	Equipment	-	
	Contractual Services	18,500	
A1325	**TREASURER**		110,601
	Salaries	106,551	
	Equipment	900	

	Contractual Services	3,150		
A1355	**ASSESSOR**			189,304
	Salaries	160,304		
	Equipment		-	
	Contractual Services	29,000		
A1410	**CITY CLERK**			117,450
	Salaries	76,450		
	Equipment		-	
	Contractual Services	41,000		
A1411	**BINGO**			500
A1420	**CORPORATION COUNSEL**			137,170
	Salaries	126,770		
	Equipment	900		
	Contractual Services	9,500		
A1435	**HUMAN RESOURCES**			47,507
	Salaries	46,457		
	Contractual Services	1,050		
A1440	**ENGINEER**			305,264
	Salaries	291,064		
	Equipment	1,700		
	Contractual Services	12,500		
A1620	**BUILDINGS-City Hall**			461,727
	Salaries	100,552		
	Equipment	5,000		
	Contractual Services	356,175		

A1621	**BUILDINGS-Steele St.**		25,000
	Salaries	5,000	
	Equipment	-	
	Contractual Services	20,000	
A1640	**CENTRAL GARAGE**		923,697
	Salaries	464,697	
	Equipment	7,500	
	Contractual Services	451,500	
A1680	**DATA PROCESSING**		134,880
	Salaries	112,880	
	Equipment	-	
	Contractual Services	22,000	
A1910	**PROPERTY & LIABILITY INSURANCE**		270,000
A1930	**JUDGMENTS & CLAIMS**		50,000
A1950	**TAXES & ASSESSMENTS**		
	ON CITY PROPERTY		140,000
A1964	**REFUND OF PROPERTY TAX**		-
A1990	**CONTINGENCY ACCOUNT**		225,000
PUBLIC SAFETY			**10,369,855**
A3020	**COMMUNICATIONS**		58,000
	Salaries	-	
	Equipment	-	
	Contractual Services	58,000	

A3120	**POLICE DEPT.**		5,210,402
	Salaries	5,005,402	
	Equipment	-	
	Contractual Services	205,000	
A3170	**COURT SECURITY**		156,602
	Salaries	156,602	
	Equipment	-	
	Contractual Services	-	
A3310	**TRAFFIC CONTROL**		250,954
	Salaries	203,404	
	Equipment	10,000	
	Contractual Services	37,550	
A3330	**PARKING METER ATTENDANTS**		63,183
	Salaries	59,383	
	Contractual Services	3,800	
A3410	**FIRE DEPT.**		4,547,153
	Salaries	4,375,653	
	Equipment	17,000	
	Contractual Services	154,500	
A3510	**ANIMAL CONTROL**		83,561
	Salaries	53,561	
	Equipment	-	
	Contractual Services	30,000	
TRANSPORTATION			**3,412,125**
A5010	**STREET ADMINISTRATION**		84,903

	Salaries	83,203		
	Contractual Services	1,700		
A5110	**STREET MAINTENANCE**			1,662,222
	Salaries	985,222		
	Contractual Services	677,000		
A5120	**BRIDGE MAINTENANCE**			6,000
	Salaries	6,000		
	Contractual Services		-	
A5142	**SNOW & ICE REMOVAL**			1,085,000
	Salaries	725,000		
	Contractual Services	360,000		
A5150	**OTHER STREET ACTIVITIES**			-
	Salaries		-	
	Contractual Services		-	
A5182	**STREET LIGHTING**			574,000
CULTURE & RECREATION				**1,901,208**
A7020	**RECREATION ADMINISTRATION**			164,785
	Salaries	160,765		
	Equipment	1,700		
	Contractual Services	2,320		
A7110	**PARKS MAINTENANCE**			853,383
	Salaries	644,383		
	Equipment	15,000		
	Contractual Services	194,000		

A7120	**TREE MAINTENANCE**		221,500
	Salaries	200,000	
	Equipment	1,500	
	Contractual Services	20,000	
A7130	**SUMMER YOUTH PROGRAM**		5,000
	Salaries	5,000	
A7140	**PLAYGROUNDS**		11,000
	Salaries	10,000	
	Contractual Services	1,000	
A7150	**OTHER REC PROGRAMS**		2,500
	Salaries	-	
	Contractual Services	2,500	
A7210	**STADIUM**		164,500
	Salaries	77,000	
	Equipment	6,500	
	Contractual Services	81,000	
A7265	**SKATING RINK**		3,825
	Salaries	-	
	Contractual Services	3,825	
A7270	**BAND CONCERTS**		1,250
A7310	**YOUTH BUREAU**		52,967
	Salaries	48,967	
	Equipment	-	
	Contractual Services	4,000	
A7311	**YOUTH PROGRAMS**		

			12,998
A7410	**LIBRARY**		372,000
A7520	**HISTORICAL SOCIETY**		28,500
A7550	**CELEBRATIONS**		1,500
	Special Programming	1,500	
A7623	**SENIOR CITIZENS CENTER**		5,500
HOME & COMMUNITY SERVICES			**805,000**
A8140	**STORM SEWERS**		228,000
	Salaries	175,000	
	Contractual Services	53,000	
A8170	**STREET CLEANING**		209,500
	Salaries	205,000	
	Contractual Services	4,500	
A8791	**DEPARTMENT OF DEVELOPMENT**		367,500
UNDISTRIBUTED			**12,863,931**
A9010	**STATE RETIREMENT**		1,170,000
A9015	**POLICE & FIRE RETIREMENT**		2,420,000
A9030	**SOCIAL SECURITY**		1,225,000
A9040	**WORKERS' COMPENSATION**		

			420,000
A9050	**UNEMPLOYMENT INSURANCE**		5,000
A9060	**HEALTH INSURANCE**		4,200,000
A9061	**DENTAL INSURANCE**		350,000
A9551	**CAPITAL**		744,000
	DPW Equipment	17,188	
	Street Reconstruction	283,406	
	Street Resurfacing	283,406	
	Curb & Gutter	50,000	
	Storm Sewer	50,000	
	Sidewalk	50,000	
	Tree Planting	10,000	
A9710	**PRINCIPAL - SERIAL BONDS**		625,000
	1991 Various Purposes	15,000	
	1999 Various Purposes	135,000	
	2000 Various Purposes	105,000	
	2010 Various Purposes	245,000	
	2011 Various Purposes	125,000	
A9711	**INTEREST - SERIAL BONDS**		462,409
	1991 Various Purposes	3,730	
	1999 Various Purposes	25,156	
	2000 Various Purposes	18,069	
	2010 Various Purposes	187,166	
	2011 Various Purposes	228,288	

A9730	**PRINCIPAL - ANTICIPATION NOTES**	-
A9731	**INTEREST - ANTICIPATION NOTES**	-
A9775	**JURA APPROPRIATION - RAMPS**	598,080
A9785	**INSTALLMENT DEBT - BPU**	365,579
A9786	**INSTALLMENT DEBT - DPW EQUIP.**	278,863
	TOTAL APPROPRIATIONS	**33,058,765**

CITY OF JAMESTOWN
2012 ESTIMATED REVENUES

ACCOUNT		2012 BUDGET
A1051	Gain on Tax Acquired Property	2,000
A1080	Federal Housing Payments	32,000
A1081	Payments In Lieu of Taxes	180,000
A1090	Interest & Penalty on Taxes	37,500
A1110	Sales Tax	5,750,000
A1170	Franchise Fee	378,000
A1230	City Treasurer's Fees	69,000
A1232	School Tax Collection Fee	21,000
A1255	City Clerk's Fees	68,000
A1311	Utilities Gross Receipts	200,000
A1520	Police Dept. Fees	70,000
A1540	Fire Dept. Fees	43,000
A1550	Dog Violations	2,500
A1589	Traffic Control Fees	1,000
A1590	Parking Violations	190,000
A1710	Public Works Services	45,000
A1720	Parking Lots & Garages	120,000
A1740	On Street Parking Meters	175,000
A2001	Park Fees	38,000
A2401	Interest On Investments	52,000
A2412	Rentals of Real Property	163,000
A2501	Business Licenses	30,000
A2540	Bingo Fees	600
A2542	Dog Licenses	26,000
A2545	Automatic Device Licenses	4,500

A2546	Marriage Licenses	5,600
A2555	Building Permits	27,000
A2560	Street Opening Permits	120,000
A2570	Special Event / Vendor Permits	3,300
A2590	Encroachment Permits	2,500
A2610	Fines & Forfeited Bail	145,000
A2701	Refunds of Appropriated Exp.	490,000
A2770	Other Unclassified Revenues	27,000
A2815	PILOT - Electric	2,014,000
A2816	PILOT - Water	816,000
A2817	PILOT - District Heat	117,000
A2818	PILOT - Waste Water	448,000
A2819	PILOT - Solid Waste	183,000
A2956	Interest on Capital Investments	4,000
A3001	State Aid Per Capita	4,575,000
A3005	State Aid Mortgage Tax	153,000
A3021	State Aid Court Facilities	21,000
A3330	State Aid Court Security	217,400
A3501	State Highway Aid - CHIPS	716,812
A3589	State Highway Maintenance	203,000
A3820	State Aid Youth Projects	12,998
A3889	State Aid Youth Bureau	24,000
	TOTAL ESTIMATED REVENUE	**18,023,710**

Mr. Dolce: I will be voting no on this this evening. Just for the record, I wanted to state what had happened. As you notice, those of you that came in, Resolution #7 was pulled. The reason it was pulled was because it was basically the resolution of the discussion of the proposal that I brought forth last week. In that, there were a couple of items that some people on the Council felt uncomfortable with and it was using an additional $50,000.00 from next year's fund balance as well as $25,000.00 from next year's contingency line. Another plan was brought forward tonight. Basically, it's about the same amount – about $40,000.00 less in cuts. There were specific cuts brought in here from various departments and just for the record, I want to say that these are very tight and if they do not meet budget, it will come out of the fund balance anyways; but what I really objected to this evening was the fact that there was little or no discussion – it was a take it or leave it option – one or the other. There was no blending of the two. There are some in here that are from the other proposal that I had last week; but I felt like it was pretty much a done deal and shoved down our throats and I think we can do better. I think that the taxpayers deserve better and every penny counts and I think that there should have been more open dialogue and more discussion and I will be voting no on this. Thank you.

Mr. Szwejbka: Thank you Mr. President. First, I'd like to thank the Mayor. He put together a good budget in a tough year and Council worked on it. We had some proposals; but what I'm disappointed in, and I'm also going to address why I walked out of a meeting earlier in this year, we've really done nothing to control costs. We've taken absolutely zero steps. We're living on a shoestring; we're taking $715,000 because we don't have the revenue to meet our needs, yet we have done nothing. Let me give you an example. I offered to come to the table to offer some suggestions to my colleagues – my fellow lawmakers – on how maybe we could

rearrange the framework which our public safety works within. I truly believe it's the legislators who set the framework and set the policy and then you call the participants – in this case it would be the public safety to the table – and you explain to them: This is the structure we're hoping to put in place. How can you make it work? Irregardless, that didn't happen. I asked to talk to my colleagues. I was told "okay you can talk to them;" I walked in and that wasn't the case so I basically – I'm not going to get into a food fight with practitioners. I offered to give my colleagues some thoughts. Why did I offer to give them some thoughts? Well, let's look at our police department per se. That's my area where I study. I'm not a full time politician. I sure as heck don't want to go back into law enforcement. I've been working in education now for 15 years. I just completed my doctoral studies. I think I've got the respect from my peers, so what I offer is not my own knowledge, offer knowledge that come through by studying scientific studies – not department generated statistics but scientific studies. So I offered to give them some suggestions. What I was going to talk about is looking at our police department. We have a fine group of individuals. We've got highly educated officers – highly trained – they've got the best equipment possible. Our supervisors are picked…they're the cream of the crop and it's all through the County – look at our County agencies and they're fine law enforcement. You look at our top administration. We've got one here today and our Chief is not here – they're top notch. So it isn't our personnel that's struggling. It's the physical structure that we're asking them to work within. They work within a structure – it's called the bureaucratic calls for service model that was put together in 1930 by a couple very astute gentlemen – O.W. Wilson and August Volmer – they were two of them – and they put it together to try to control an out of control police force; because you see at that time, the police were uneducated – less than 2% could pass an IQ test in 1932 in America. They were undertrained. They were corrupt. Supervisors were given political positions – top administrators were appointed by the mayors and they just served for whatever time, so they needed something to control these people, so the policing took the model that was being used by the factories. They said it worked for them – let's put it to work for our police and then they added the calls for service because you have to justify your existence. How do you do that? Well, we used the calls for service. Calls for service – we get those numbers – they mean very little. They tell us very little what police actions are. So what I'm saying is that if we're ever going to try to get ahold of our cost of public safety, we don't have to change but we've got excellent police. We've got excellent equipment. We as legislators – it's our job to sit down and change the structure that we're asking them to work within. Maybe we don't send a police officer to every loud music call. Maybe we don't engage them in certain activities that aren't related to crime. What's happening in progressive areas – the police are changing their mission. They're saying – "you know what – the broken window theory – man that was good – it looked really good – but you know what – we're spending too much time worrying about these little broken windows and crime is running rampant and we're losing control. All these little things add up – calls for service. Justify more positions. So I'm suggesting down the road, especially in Public Safety, that we take the time, Council take the time, look outside the boundaries of Jamestown. Look outside the boundaries of Chautauqua County and New York State and explore some of the options. We're not talking about changing personnel or changing numbers. We've got a number that's good. It's in sync with all other studies. It's okay. Their compensation package isn't out of whack. It's how we're using them. I laugh when I hear somebody say "give me more cops and we'll have less crime." That's baloney. There's no scientific data to back that up. It's what you do with them and we

need to redeploy our human resources and it's only then that we're going to be able to get the cost under control. Thank you.

Mr. DeJoy: Thank you Mr. President. I would first like to thank my right honorable colleague from the second Ward for coming forth last week with some proposals as to how we should try to reduce the property tax levy burden and he did come forth with some and the majority of it was capital equipment that we're going to try to defer payments to next year – hopefully out of our contingency if there's funds left over from 2011; but the other large portion of it was something that I had serious questions on and that was using more contingency and using a greater amount of our fund balance. This year we are going to use $715,000. Three years ago we were using approximately $300,000 of this fund balance. What this is ladies and gentlemen is borrowed money. We're basically borrowing from this fund that's there to help get us through these difficult times. $50,000 additional I think was very aggressive for this year and probably unwarranted. For 2013 it may be completely appropriate and absolutely necessary. Our contingency line – where it stands right now – at $225,000 accounts for .67 percent of our operating budget. The State Comptroller suggests that we put aside…set aside for emergencies or contingencies somewhere between 3 and 5% of that operating budget. First year accounting students would tell you that that's an appropriate amount. Businesses use that model. I just didn't agree with those…the proposition that we use additional funds in that respect. What I did come up with and I don't believe was "shoved down the throats" of our Council as a body because we voted on it as a body before we came into this room. So I don't believe that that contention that it was shoved down anyone's throat, but what they are are real spending cuts of approximately $100,000 including the $30,000 in capital. These cuts are ugly. They may, if bad luck prevails, may not be able to be accomplished. It just takes some really bad snow storms, a bad fire, unforeseen events could really throw this off – and you're right – we could end up taking it from the contingency. What I was looking for is a benchmark. Let's start by reducing spending – actual spending – and if these events do occur, so be it. At least we know that at this point that we haven't used a greater proportion of our contingency and fund balance; because if we do appropriate it, it will probably likely be spent and I think the people have asked for actual spending cuts. I hope that these spending cuts materialize and I'm sincere in that these cuts I know are going to be difficult to be accomplished, but I hope that they can be and for the sake of our taxpayers, I hope they will be. The property tax burden under this plan will be reduced by $100,025.00 from the Executive Budget which was already very tight and in many circumstances I think very aggressive but yet attainable and realistic, but nevertheless, I think this budget was very tight and I think what actually prevailed here is democracy. We, as a body, decided which plan that we would go through tonight and if you vote as a body, that's democracy. I think that's the form of government that we all are looking for. So I am going to vote "yes" tonight on this budget and I just sincerely hope that we can make it work and do what we can to reduce the burden on the property taxpayers. Thank you Mr. President.

Mr. Dolce: Just quickly – I just wanted to say also that I appreciate the work that Councilman DeJoy has also done. These cuts are real and they may be realized, they may not, and as you said they may end up coming out of the fund balance anyways. I just wanted to say that last week, of course most of the people were not here – they were not upstairs; we had the discussion and democracy was up there. There was a straw poll taken, I thought we had a consensus, and the comment that was made is that "while we may not all agree, we're all going

to vote our conscience one way or the other and we can debate the merits of how you want to make the cuts in the end, the difference isn't that much. I certainly hope…I certainly respect the people who vote their conscience and vote their way and I hope in the end they respect me as well and some of the other colleagues that may do that and maybe saying something like "it was shoved down our throats," I guess what I'm saying was that I felt this option – I don't know when it was put together – it looks like it had some time into it from the staff here – also the alternate resolution was prepared – and so it looked to me as if it had been worked upon long before yesterday, but so be it. So just having said that, I just felt kind of railroaded in that situation, and again, I respect everybody on this legislative body and their concerns. I share your concerns with the fund balance. I've been here longer than anybody on this legislative body. I've been here with the Mayor for several years and we've had these discussions over and over about the fund balance and I guess, as I said last week, I don't want to take anymore from the fund balance, but it's the people's money. Our taxable limit is approaching 90% or better. We're getting bombarded with taxes all around us – county, state, local, school – I'm just trying to do what I can to alleviate as much as I possibly can. I know we're going to use that money and we're going to need every bit of it and so I certainly respect that opinion. I just think that we need to do better. Thanks.

Mr. Taylor: I just…I don't have too much voice to speak with…so I'll just be really brief. I'm certainly prepared to vote for this budget. As I say every year at budget time – usually the Council and whatever we vote on is a little bit better, if not more than the Executive Budget that is presented to us. We work with it; we get it as far as we can; we do everything that we can for the taxpayers. I shouldn't be talking at all. There's just one thing that I would like to throw out there as just a suggestion. It may make little to no difference. It's just out of respect for what we voted on last week and this week and it's just somewhat of a compromise – it's just an amendment from the floor. I'm just going to throw it out. If it's not in the best interests of the Council as a body – that's fine. I was just going to make the suggestion to maybe make an amendment to the contingency just of the amount of $12,400 as well as just make a simple adjustment of the fund balance to $26,000.00. That's just my personal amendment from the floor. It wasn't really discussed with anybody, it's just looking at the two plans if there is a way of fusing plan A & B. I just wanted to throw it out there.

President Rabb: Is that a motion Mr. Taylor?

Mr. Taylor: Yes.

President Rabb: Can I have a second for that motion?

Mr. Dolce seconded the motion.

Defeated: 4 ayes, 5 nays (DeJoy, Jones, Whitford, Spitale, Rabb)

President Rabb: Are there any other comments or questions?

Carried: 6 ayes, 3 nays (Szwejbka, Dolce, Ecklund)

Mr. DeJoy: You can all help us out. Spend locally this year. We need the sales tax dollars. Thank you.

Mr. Taylor: We've got the Christmas Parade coming up Friday, right? Alright. Welcoming everyone – please attend – take part in the parade. Our friends from Falconer who are with us today as well. Hope everyone comes out for the holiday season.

There being no further business, the meeting was adjourned.

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