

November 27, 2012

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 Tuesday, November 27, 2012 at 7:30 p.m.

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

Members Absent: Maria Jones

Others Present: Mayor Teresi, Director of Financial Services/City Clerk James N. Olson, City Comptroller Joe Bellitto, Corporation Counsel Marilyn Fiore-Lehman, Deputy Fire Chief Chet Harvey, Police Chief/Director of Public Safety Harry Snellings, Director of Public Works, Jeff Lehman, Director of Youth Services Vickye James and Matt Hanley, Executive Assistant to the Mayor

Council President Rabb called the meeting to order and led the assembly in the Pledge of Allegiance to the Flag.

Rev. Dr. William Blair of New Creation Assembly of God gave the invocation.

Councilman Spitale moved to approve the minutes from the October 29, 2012 meeting.

STANDING COMMITTEES

FINANCE COMMITTEE

201211C01

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 \$5,270,766.30 in accordance with the period ending November 26, 2012, copy of which is annexed hereto and a copy to be filed in the Office of the City Clerk, and be it further

RESOLVED, that disbursements in the total amount of \$2,691,451.28, investments in the total amount of \$1,500,000.00 and payrolls in the total amount of \$1,079,315.02, as paid by the

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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: 8 ayes, 0 nays

201211 C02

BY COUNCILMAN DOLCE:

BOND RESOLUTION, DATED NOVEMBER 27, 2012, AUTHORIZING THE ISSUANCE OF UP TO \$1,000,000 AGGREGATE PRINCIPAL AMOUNT SERIAL BONDS OF THE CITY OF JAMESTOWN, COUNTY OF CHAUTAUQUA, STATE OF NEW YORK, PURSUANT TO THE LOCAL FINANCE LAW, TO FINANCE THE COSTS OF VARIOUS PUBLIC PURPOSES IN AND FOR THE CITY, INCLUDING (I) THE ACQUISITION OF EQUIPMENT, MACHINERY, APPARATUS AND FURNISHINGS FOR ANY PHYSICAL PUBLIC BETTERMENT OR IMPROVEMENT, AND (II) THE ACQUISITION OF SYSTEMS OF COMMUNICATION OR TRANSMISSION.

WHEREAS, the City Council of the City of Jamestown (the "City"), a municipal corporation of the State of New York, located in the County of Chautauqua, hereby determines that it is in the public interest of the City to authorize, in accordance with the Local Finance Law, the financing of the costs of various public purposes in and for the City, including, (i) the acquisition of equipment, machinery, apparatus and furnishings for any physical public betterment or improvement (\$400,000), and (ii) the acquisition of systems of communication or transmission (\$600,000), including the acquisition of any applicable equipment, machinery, apparatus, land or rights-in-land necessary therefor and any preliminary and incidental costs related thereto, at a total cost not to exceed \$1,000,000 .

WHEREAS, the City Council of the City has not taken any action or adopted any local law which would require the effectiveness of this bond resolution be subjected to a permissive or mandatory referendum;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Jamestown, located in the County of Chautauqua, State of New York, as follows:

Section 1. There is hereby authorized to be issued serial bonds of the City, and/or bond anticipation notes issued in anticipation of the issuance of such serial bonds, in the aggregate principal amount not to exceed \$1,000,000, pursuant to the Local Finance Law, in order to finance the costs of the specific objects or purposes, or classes of objects or purposes, as set forth herein (collectively, the "Project").

Section 2. The respective estimated maximum costs of such specific objects or purposes, or class of objects or purposes, the principal amount of serial bonds authorized herein, and/or bond anticipation notes issued in anticipation of the issuance of such serial bonds, for such specific objects or purposes, or class of objects or purpose, and the period of probable usefulness of such specific objects or purposes, or class of objects or purposes, pursuant to the applicable subdivision of paragraph a of Section 11.00 of the Local Finance law, are as follows:

(i) The acquisition of equipment, machinery, apparatus and furnishings for any physical public betterment or improvement, and including any preliminary and incidental costs related thereto, at a total estimated maximum cost of \$400,000 for which \$400,000 principal amount of serial bonds, and/or bond anticipation notes issued in anticipation of the issuance of such serial bonds, are authorized herein and appropriated therefore, having a period of probable usefulness of fifteen (15) years pursuant to subdivision 28 of paragraph a of Section 11.00 of the Local Finance Law. Such serial bonds shall have a maximum maturity of fifteen (15) years computed from the earlier of (a) the date of the first issue of such serial bonds authorized herein or (b) the date of the first issue of bond anticipation notes issued in anticipation of the issuance of such serial bonds;

(ii) The acquisition of systems of communication or transmission, including any preliminary and incidental costs related thereto, at a total estimated maximum cost of \$600,000 for which \$600,000 principal amount of serial bonds, and/or bond anticipation notes issued in anticipation of the issuance of such serial bonds, are authorized herein and appropriated therefore, having a period of probable usefulness of ten (10) years pursuant to subdivision 25 of paragraph a of Section 11.00 of the Local Finance Law. Such serial bonds shall have a maximum maturity of ten (10) years computed from the earlier of (a) the date of the first issue of such serial bonds authorized herein or (b) the date of the first issue of bond anticipation notes issued in anticipation of the issuance of such serial bonds;

Section 3. The City Council of the City has ascertained and hereby states that (a) the estimated maximum costs of the Project are not to exceed \$1,000,000 ; (b) no money has heretofore been authorized to be applied to the payment of the costs of the Project; (c) the City Council of the City plans to finance the costs of the Project from the proceeds of the serial bonds authorized herein, and/or bond anticipation notes issued in anticipation of the issuance of such serial bonds, except to the extent of Federal or State aid received by the City which shall reduce the principal amount of such serial bonds or bond anticipation notes *pro tanto*; (d) the maturity of the serial bonds authorized herein shall be in excess of five (5) years and (e) on or before the expenditure of moneys to pay for any costs related to the Project, for which proceeds of any obligations authorized herein are to be applied to reimburse the City, the City Council of the City took "official action" for federal income tax purposes to authorize the capital financing of such expenditure.

Section 4. Subject to the terms and conditions of this bond resolution and the Local Finance Law, including the provisions of Sections 21.00, 30.00, 50.00 and 56.00 to 60.00, inclusive, the power to authorize the issuance of the serial bonds authorized herein, and bond anticipation notes issued in anticipation of the issuance of such serial bonds, including renewals thereof, the power to prescribe the terms, form and contents of such serial bonds and such bond anticipation notes, and the power to issue, sell and deliver such serial bonds and such bond anticipation notes, are hereby delegated to the City Comptroller, as the chief fiscal officer of the City. The City Comptroller is hereby authorized to execute by manual or facsimile signature on behalf of the City, all serial bonds authorized herein and all bond anticipation notes issued in anticipation of the issuance of such serial bonds, and the City Clerk is hereby authorized to impress the seal of the City (or to have imprinted a facsimile thereof) on all such serial bonds and all such bond anticipation notes and to attest such seal. Each interest coupon, if any, representing interest payable on such serial bonds shall be authenticated by the manual or facsimile signature of the City Comptroller. In the absence of the City Comptroller, the Director of Financial Services/City Clerk is hereby authorized to exercise the powers delegated to the City Comptroller by this bond resolution.

Section 5. The faith and credit of the City is hereby and shall be irrevocably pledged for the punctual payment of the principal of and interest on all obligations authorized herein as the same shall become due.

Section 6. When this bond resolution takes effect, the City Clerk shall cause the same to be published, together with a notice in substantially the form prescribed by Section 81.00 of the Local Finance Law in *The Post-Journal*, a newspaper having a general circulation in the City. The validity of the serial bonds authorized herein, and of bond anticipation notes issued in anticipation of the issuance of such serial bonds, may be contested only if such obligations are authorized for an object or purpose, or class of object or purpose, for which the City is not authorized to expend money, or the provisions of law, which should have been complied with at the date of publication of this bond resolution, are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication, or if such obligations are authorized in violation of the provisions of the Constitution of the State of New York.

Section 7. Prior to the issuance of the serial bonds authorized herein, or of bond anticipation notes issued in anticipation of the issuance of such serial bonds, the City Council of the City shall comply with all applicable provisions prescribed in Article 8 of the Environmental Conservation Law, all regulations promulgated thereunder by the New York State Department of Environmental Conservation, and all applicable Federal laws and regulations in connection with environmental quality review relating to the Project (collectively, the “environmental compliance proceedings”). In the event that any of the environmental compliance proceedings are not completed, or require amendment or modification subsequent to the date of adoption of this bond resolution, the City Council of the City covenants that it will re-adopt, amend or modify this bond resolution prior to the issuance of such obligations as authorized herein upon the advice of bond counsel. It is hereby determined by the City Council of the City that the Project will not have a significant effect on the environment.

Section 8. The City hereby declares its intention to issue the serial bonds authorized herein, and/or bond anticipation notes issued in anticipation of the issuance of such serial bonds (collectively, the “obligations”) to finance costs of the Project. The City covenants for the benefit of the holders of such obligations that it will not make any use of the proceeds of such obligations, any funds reasonably expected to be used to pay the principal of or interest on such obligations or any other funds of the City, and will not make any use of the Project which would cause the interest on such obligations to become subject to Federal income taxation under the Internal Revenue Code of 1986, as amended (the “Code”) (except for the federal alternative minimum tax imposed on corporations by section 55 of the Code), or subject the City to any penalties under section 148 of the Code, and that it will not take any action or omit to take any action with respect to such obligations, the proceeds thereof or the Project financed thereby, if such action or omission would cause the interest on such obligations to become subject to Federal income taxation under the Code (except for the federal alternative minimum tax imposed on corporations by section 55 of the Code), or subject the City to any penalties under section 148 of the Code. The foregoing covenants shall remain in full force and effect notwithstanding the defeasance of the serial bonds or any other provisions hereof until the date which is sixty (60) days after the final maturity date or earlier prior redemption date thereof. The proceeds of such obligations may be applied to reimburse expenditures or commitments of the City made with respect to the Project on or after a date which is not more than sixty (60) days prior to the date of adoption of this bond resolution by the City.

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Section 9. For the benefit of the holders and beneficial owners from time to time of the serial bonds authorized herein, and of bond anticipation notes issued in anticipation of the issuance of such serial bonds, the City agrees, in accordance with and as an obligated person with respect to the obligations under, Rule 15c2-12 promulgated by the Securities Exchange Commission pursuant to the Securities Exchange Act of 1934 (the “Rule”), to provide or cause to be provided such financial information and operating data, financial statements and notices, in such manner as may be required for purposes of the Rule. In order to describe and specify certain terms of the City’s continuing disclosure agreement for that purpose, and thereby implement that agreement, including provisions for enforcement, amendment and termination, the City Comptroller is hereby authorized and directed to sign and deliver, in the name and on behalf of the City, the commitment authorized by subsection 6(c) of the Rule (the “Commitment”), to be placed on file with the City Clerk, and which shall constitute the continuing disclosure agreement made by the City for the benefit of holders and beneficial owners of such obligations in accordance with the Rule, with any changes or amendments that are not inconsistent with this bond resolution and not substantially adverse to the City and that are approved by the City Comptroller on behalf of the City, all of which shall be conclusively evidenced by the signing of the Commitment or amendments thereto. The agreement formed collectively by this paragraph and the Commitment shall be the City’s continuing disclosure agreement for purposes of the Rule, and its performance shall be subject to the availability of funds and their annual appropriation to meet costs the City would be required to incur to perform thereunder. The City Comptroller is further authorized and directed to establish procedures in order to ensure compliance by the City with its continuing disclosure agreement, including the timely provision of information and notices. Prior to making any filing in accordance with the agreement or providing notice of the occurrence of any material event, the City Comptroller shall consult with, as appropriate, the Corporation Counsel of the City and bond counsel or other qualified independent special counsel to the City and shall be entitled to rely upon any legal advice provided by the Corporation Counsel of the City or such bond counsel or other qualified independent special counsel in determining whether a filing should be made.

Section 10. This bond resolution will take effect immediately upon its adoption by the City Council of the City.

Councilman Dolce: Just a quick comment. This includes the communications equipment that is being recommended and being actually required of us for over \$600,000 and then additional equipment on top of that – much needed equipment – for the DPW to the tune of about \$400,000.00.

Carried: 8 ayes, 0 nays

201211C03

BY COUNCILMAN DOLCE:

RESOLVED, That the Mayor be, and hereby is, authorized to enter into an agreement with Delta Dental of New York, Inc., 575 Madison Ave., New York, NY 10022, to provide third-party administration of the City of Jamestown’s self-insured dental program at a cost of \$3.90 per participant per month, for the period January 1, 2013 through December 31, 2014, subject to the approval of the Corporation Counsel as to form.

Carried: 8 ayes, 0 nays

BY COUNCILMAN DOLCE:

WHEREAS, the Community Development Block Grant and HOME program were authorized under the Cranston-Gonzalez National Affordable Housing Act of 1990; and

WHEREAS, under the Community Development Block Grant and HOME programs, entitlement communities are allocated funds to implement housing, neighborhood improvement, and economic development activities, as appropriate; and

WHEREAS, the City of Jamestown has been designated an entitlement community and previously notified by the United States Department of Housing and Urban Development that funding in the amount of nine-hundred, ninety-seven thousand, one hundred and thirteen dollars (\$997,113) has been allocated to the City during FY 2012 for eligible Community Development Block Grant purposes subject to the City submitting an acceptable, qualifying program of activities; and that funding in the amount of two-hundred fifty-eight thousand, nine-hundred and sixty-three dollars (\$258,963) has been allocated to the City during FY 2012 for eligible HOME purposes subject to the City submitting an acceptable qualifying program of activities and meeting the local match requirement; and

WHEREAS, the City of Jamestown Department of Development has identified a series of housing and community development needs and objectives to be advanced with the above referenced FY 2012 Community Development Block Grant and HOME program; and

WHEREAS, on May 21, 2012, the Jamestown City Council authorized and directed the Mayor to execute and submit to the United States Department of Housing and Urban Development the FY 2012 Consolidated Plan, which outlines proposed uses for the City's FY 2012 Community Development Block Grant and HOME allocation; and

WHEREAS, on August 1, 2012 the City of Jamestown received formal approval of its FY 2012 Consolidated Plan from the United States Department of Housing and Urban Development and has completed all required environmental analyses of the proposed activities; now therefore be it

RESOLVED, that the Mayor is hereby authorized and directed to enter into an agreement with the United States Department of Housing and Urban Development for the above referenced Community Development Block Grant and HOME Program awards; and be it further

RESOLVED, that the Mayor is hereby authorized and directed to enter into an agreement with the Jamestown Urban Renewal Agency to administer all aspects of said grant awards contingent on the Jamestown Urban Renewal Agency indemnifying and holding the City of Jamestown harmless for any actions resulting from the administration of said grant awards; and be it further

RESOLVED, that the Jamestown Urban Renewal Agency is hereby authorized to retain and utilize in accordance with all applicable Federal regulations any and all administrative funds included in said grant awards for eligible planning and program delivery expenses.

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FY 2012 Community Development Block Grant and HOME Programs

Summary of FY 2012 CDBG Activities:

Proposed Low-Moderate Benefit Activities = 83.7 % of Active Funds

Activity	Amount
A.D.A. Improvements – Public Facilities	\$ 100,000
Neighborhood Target Area Infrastructure Improvement Program	\$ 224,690
Neighborhood Target Area Demolition Program	\$ 165,000
Owner Occupied Emergency Repair Program	\$ 50,000
Group Work Camps Program	\$ 38,000
Downtown Handicapped Accessibility Improvement Program	<u>\$ 90,000</u>
SUB-TOTAL (Low - Moderate Benefit Activities)	\$ 667,690

Proposed Slums and Blight Activities = 16.3 % of Active Funds

Activity	Amount
Downtown Greenlining Façade Improvement Program	\$ 130,000
SUB-TOTAL (Slums and Blight Activities)	\$ 130,000
Administration/Program Delivery	<u>\$ 199,423</u>
TOTAL (CDBG Program)	\$ 997,113

Summary of FY 2012 HOME Program Activities:

Activity	Amount
Citywide Owner-Occupied Rehabilitation	\$ 194,223
CHDO Set-Aside (15%)	\$ 38,844
Administration/Program Delivery	<u>\$ 25,896</u>
TOTAL (HOME Program)	\$ 258,963

Carried: 8 ayes, 0 nays

201211C05

BY COUNCILMAN DOLCE:

RESOLVED, That Fire fighter Eric Herman be, and he hereby is, authorized to attend the New York State Office of Fire Prevention Fire Service Instructor I Certification Class at the New York State Academy of Fire Science to be held in Montour Falls, New York on February 3-8, 2013, with expenses paid pursuant to Section 77-b of the General Municipal Law.

Carried: 8 ayes, 0 nays

201211C06

BY COUNCILMAN DOLCE:

RESOLVED, that the following fee schedule be adopted and become effective January 1, 2013:

DEPARTMENT OF PUBLIC WORKS	
Bricks Non-Residents	.75
4-8 cubic yard box Residents	
4-8 cubic yard box Non-Residents	\$600
8-12 cubic yard box Residents	
8-12 cubic yard box Non-Residents	\$800
10 Wheeler Residents	
10 Wheeler Non-Residents	\$1200
Bulk Rate: non-resident purchase of 15,000 or more, hand-picked and loaded by purchaser	\$.50
DEPARTMENT OF PARKS, RECREATION AND CONSERVATION	
Banner Hanging	\$125
Midget Football Teams (6/1/07)	\$150
Babe Ruth Teams (1/1/08)	\$100
Youth Soccer Teams (1/1/08)	\$75
Allen Park Soccer field (per day)	\$150
Allen Park Ice Rink (non-ice events per day) (Ice Events Actual consumption E,W,S)	\$600
Goranson Bandshell	\$75
Pavilions (anyday) City Residents	\$30
Pavilions (anyday) Non-City Residents	\$50
Adult Softball Teams	\$175
Softball Complex (4 fields Bergman, 3 fields Jones and Gifford)	\$350
Consession Stand	\$125
Bandwagon	\$325
Softball Fields (individual rental for games/tournaments)	\$50
Diethrick Park Rental Fees	
Monday –Friday, Daytime, No lights	\$150
Monday –Friday, Night, lights	\$250

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Saturday-Sunday Daytime, No lights	\$200
Saturday-Sunday Night, lights	\$300
All Day use	\$550
Skate Park (reserved use)	\$125
Basketball court (reserved use)	
Chadakoin (has lights)	\$100
Allen/Bergman Parks	\$50
General Park Areas	
Group of 200	\$150
Groups of 500	\$300
Groups over 500	\$500
PARKING	
Parking lot lease (per month)	\$34
Parking Ramp lease (per month)	\$43
Hourly Fee, maximum fee \$3.75 per day	\$.75
Parking Ramp Blue Coupon Books	\$30
Event Parking	\$2
POLICE DEPARTMENT	
File Search/Police or Incident Report	\$12
File Search/Archived Record Prior to 1995	\$20
Individual Record Check	\$20
Accident Report	\$10
Fingerprints per card	\$12
Expedited Service	\$30
TREASURER'S OFFICE	
Tax Certificates	\$40
CITY CLERK'S OFFICE	
Block Parties	\$25

Carried: 8 ayes, 0 nays

201211C07

BY COUNCILMAN DOLCE:

RESOLVED, That the City Comptroller be, and he hereby is, authorized to make the following amendments to the 2012 General Fund Budget, to recognize the various contributions to the City of Jamestown from private agencies:

INCREASE: Appropriations	\$1,935.00
Summer Band Concerts	
A.7270.0499	
INCREASE: Appropriations	\$10,000.00
Summer Playgrounds	
A.7140.0100	
INCREASE: Estimated Revenues	\$11,935.00

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Contributions-Private Agencies
A.0000.2070

Councilman Dolce: I just want to thank the various agencies and foundations that have stepped up once again to help us fund those worthwhile and important events that take place in the City throughout the year.

Carried: 8 ayes, 0 nays

201211C08

BY COUNCILMAN DeJOY:

RESOLVED, That warrants be drawn and paid to the respective owners and paying agents the sum of ninety-one thousand, fifty-six dollars and twenty-five cents (\$91,056.25) in accordance with the bond and note requirements as follows:

Public Improvement Bonds, Series A issue of June 15, 2010, ninety-one thousand, fifty-six dollars and twenty-five cents (\$91,056.25) for six months interest at 4.125% per annum on four million, two hundred eighty-five thousand dollars (\$4,285,000).

Carried: 8 ayes, 0 nays

201211C09

BY COUNCILMAN DeJOY:

RESOLVED, That warrants be drawn and paid to the respective owners and paying agents the sum of one thousand, five hundred ninety-seven dollars and fifty cents (\$1,597.50) in accordance with the bond and note requirements as follows:

Public Improvement Bonds, issue of October 15, 1991, one thousand, five hundred ninety-seven dollars and fifty cents (\$1,597.50) for six months interest at 7.10% per annum on forty-five thousand dollars (\$45,000).

Carried: 8 ayes, 0 nays

201211C10

BY COUNCILMAN DeJOY:

RESOLVED, That warrants be drawn and paid to the respective owners and paying agents the sum of one hundred forty-seven thousand five hundred seventy-eight dollars and thirteen cents (\$147,578.13) in accordance with the bond and note requirements as follows:

Public Improvement Bonds, Series A, issue of March 9, 2006, one hundred thirty-five thousand dollars (\$135,000) principal and twelve thousand five hundred seventy-eight and

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thirteen cents (\$12,578.13) for six months interest at 4.00% per annum on six hundred fifty thousand dollars (\$650,000).

Note: Refunding of 1999B (partial) issues. Interest savings \$4,648.12 for this payment.

Carried: 8 ayes, 0 nays

201211C11

BY COUNCILMAN DeJOY:

RESOLVED, That warrants be drawn and paid to the respective owners and paying agents the sum of eight thousand one hundred fifteen dollars and sixty-three cents (\$8,115.63) in accordance with the bond requirements as follows:

Various Purpose Bonds, Series C issue of March 9, 2006, eight thousand one hundred fifteen dollars and sixty-three cents (\$8,115.63) for six months interest at 3.50% per annum on four hundred thirty thousand dollars (\$430,000.00).

Note: Refunding of 2000A (partial issues). Interest savings \$4,584.37 for this payment.

Carried: 8 ayes, 0 nays

201211C12

BY COUNCILMAN DeJOY:

RESOLVED, That warrants be drawn and paid to the respective owners and paying agents the sum of seventy-four thousand six hundred thirty-seven dollars and fifty cents (\$74,637.50) in accordance with the bond and note requirements as follows:

Public Improvement Bonds Series A, issue of June 1, 2011, seventy-four thousand six hundred thirty-seven dollars and fifty cents (\$74,637.50) for six months interest at 3.50% per annum on three million eight hundred seventy-five thousand dollars (\$3,875,000).

Carried: 8 ayes, 0 nays

201211C13

BY COUNCILMAN DeJOY:

WHEREAS, the City of Jamestown desires to establish an administrative tribunal for the adjudication of parking infractions, (e.g., non-moving violations), and

WHEREAS, the establishment of this administrative tribunal will be subject to the provisions of Article 2-B of the New York State Vehicle and Traffic Law, and

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WHEREAS, once established, the Jamestown City Council will by Local Law provide for the appointment of hearing examiners to adjudicate said parking infractions, now therefore be it

RESOLVED, that the City Council of the City of Jamestown, New York hereby requests that the New York State Assembly and the New York State Senate enact a bill which would be entitled "AN ACT TO ALLOW THE CITY OF JAMESTOWN, NEW YORK TO ESTABLISH AN ADMINISTRATIVE TRIBUNAL FOR THE ADJUDICATION OF PARKING INFRACTIONS" and be it further

RESOLVED, that the Director of Financial Services/City Clerk be, and he hereby is, authorized and directed as Clerk of the Jamestown City Council to execute a home rule request for transmittal to the New York State Assembly and the New York State Senate certifying the Jamestown City Council's adoption of this resolution.

Councilman DeJoy: This is the first part of passing...basically to asking our representatives in the State to allow us to have home rule legislation to establish this tribunal that will be set up and we will have to pass a local law if we can go forward with it.

Carried: 8 ayes, 0 nays

201211C14

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, 2013 for the fiscal year ending December 31, 2013, and that the sum shown amounting to \$33,451,835 be appropriated for the use of Boards, Departments, and Officers enumerated, and

WHEREAS, the Budget shows an estimated income from various miscellaneous Revenues of \$18,845,308 and the use of estimated surplus of \$390,000 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 2013, the sum of \$14,216,527, the amount which is necessary to be raised by direct tax.

Councilman Dolce: I'd like to make the following amendments to the 2013 General Operating Budget. I'd like to decrease appropriations by the amount of \$233,700.00, increase estimated revenues by \$545,000.00. This in effect will change the current Executive Budget proposal of a 6.4% increase down to less than 1% - it would be .82% on the tax levy, \$117,772.00 increase on the tax levy. In effect, what this does it would raise taxes \$.21 per thousand or .98% so it will be well within the tax cap. It is less than a 1% increase and on an average a \$70,000 house in the City of Jamestown it would be about a \$14.70 increase for the year; so again, the following amendments would reduce the Executive Budget from over a 6% increase down to below 1%. Thank you.

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Roll call on the amendment.

Carried: 8 ayes, 0 nays

RESOLVED, that the City of Jamestown General Operating Budget as set forth herewith, be and hereby is approved and adopted effective January 1, 2013 for the fiscal year ending December 31, 2013, and that the sum shown amounting to \$33,218,135 be appropriated for the use of Boards, Departments, and Officers enumerated, and

WHEREAS, the Budget shows an estimated income from various miscellaneous Revenues of \$18,390,308 and the use of estimated surplus of \$390,000 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 2013, the sum of \$14,437,827, 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, 2013 to DECEMBER 31, 2013

<u>ACCOUNT</u>		<u>2013 BUDGET</u>
<u>GENERAL GOVERNMENT SUPPORT</u>		<u>3,721,414</u>
A1010	COUNCIL	<u>89,000</u>
	Salaries	46,000
	Contractual Services	43,000
A1210	MAYOR	<u>164,753</u>
	Salaries	148,053
	Equipment	-
	Contractual Services	16,700
A1310	DIRECTOR OF FINANCE	<u>132,083</u>
	Salaries	130,683

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	Contractual Services	1,400	
A1315	COMPTROLLER		<u>197,127</u>
	Salaries	178,127	
	Equipment		-
	Contractual Services	19,000	
A1325	TREASURER		<u>82,832</u>
	Salaries	80,032	
	Equipment		-
	Contractual Services	2,800	
A1355	ASSESSOR		<u>196,962</u>
	Salaries	166,962	
	Equipment		-
	Contractual Services	30,000	
A1410	CITY CLERK		<u>108,696</u>
	Salaries	67,696	
	Equipment		-
	Contractual Services	41,000	
A1411	BINGO		<u>400</u>
A1420	CORPORATION COUNSEL		<u>141,975</u>
	Salaries	131,475	
	Equipment		-
	Contractual Services	10,500	
A1435	HUMAN RESOURCES		<u>48,701</u>
	Salaries	47,351	
	Contractual Services	1,350	
A1440	ENGINEER		<u> </u>

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			<u>279,553</u>
	Salaries	264,803	
	Equipment	2,000	
	Contractual Services	12,750	
A1620	BUILDINGS-City Hall		<u>453,742</u>
	Salaries	102,242	
	Equipment	7,000	
	Contractual Services	344,500	
A1621	BUILDINGS-Steele St.		<u>25,500</u>
	Salaries	5,500	
	Equipment	-	
	Contractual Services	20,000	
A1640	CENTRAL GARAGE		<u>928,539</u>
	Salaries	420,539	
	Equipment	8,000	
	Contractual Services	500,000	
A1680	INFORMATION SERVICES		<u>136,551</u>
	Salaries	111,551	
	Equipment	-	
	Contractual Services	25,000	
A1910	PROPERTY & LIABILITY INSURANCE		<u>260,000</u>
A1930	JUDGMENTS & CLAIMS		<u>75,000</u>
A1950	TAXES & ASSESSMENTS ON CITY PROPERTY		<u>160,000</u>

A1990 CONTINGENCY ACCOUNT 240,000

PUBLIC SAFETY 10,066,525

A3020 COMMUNICATIONS 58,000

Salaries -
 Equipment -
 Contractual
 Services 58,000

A3120 POLICE DEPT. 5,130,779

Salaries 4,921,279
 Equipment -
 Contractual
 Services 209,500

A3170 COURT SECURITY 149,852

Salaries 149,852
 Equipment -
 Contractual
 Services -

A3310 TRAFFIC CONTROL 193,804

Salaries 147,404
 Equipment 9,000
 Contractual
 Services 37,400

A3330 PARKING METER ATTENDANTS 64,837

Salaries 59,837
 Contractual
 Services 5,000

A3410 FIRE DEPT. 4,381,476

Salaries 4,203,976
 Equipment 17,500
 Contractual
 Services 160,000

A3510	ANIMAL CONTROL		<u>87,777</u>
	Salaries	56,677	
	Equipment		-
	Contractual Services	31,100	

<u>TRANSPORTATION</u>			<u>3,430,196</u>
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A5010	STREET ADMINISTRATION		<u>84,404</u>
	Salaries	82,704	
	Contractual Services	1,700	

A5110	STREET MAINTENANCE		<u>1,737,792</u>
	Salaries	1,027,792	
	Contractual Services	710,000	

A5120	BRIDGE MAINTENANCE		<u>6,000</u>
	Salaries	6,000	
	Contractual Services		-

A5142	SNOW & ICE REMOVAL		<u>1,065,000</u>
	Salaries	725,000	
	Contractual Services	340,000	

A5182	STREET LIGHTING		<u>537,000</u>
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<u>CULTURE & RECREATION</u>			<u>1,964,516</u>
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A7020	RECREATION ADMINISTRATION		<u>169,154</u>
	Salaries	166,654	
	Equipment		-
	Contractual		

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	Services	2,500	
A7110	PARKS MAINTENANCE		<u>917,404</u>
	Salaries	700,904	
	Equipment	16,500	
	Contractual		
	Services	200,000	
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>10,000</u>
	Salaries	9,000	
	Contractual		
	Services	1,000	
A7150	OTHER REC PROGRAMS		<u>2,500</u>
	Salaries	-	
	Contractual		
	Services	2,500	
A7210	STADIUM		<u>166,000</u>
	Salaries	74,000	
	Equipment	7,000	
	Contractual		
	Services	85,000	
A7265	SKATING RINK		<u>5,000</u>
	Salaries	-	
	Contractual		
	Services	5,000	
A7270	BAND CONCERTS		<u> </u>

			1,250
			<hr/>
A7310	YOUTH BUREAU		53,708
	Salaries	49,708	
	Equipment		-
	Contractual		
	Services	4,000	
A7311	YOUTH PROGRAMS		7,700
			<hr/>
A7410	LIBRARY		372,000
			<hr/>
A7520	HISTORICAL SOCIETY		26,300
			<hr/>
A7550	CELEBRATIONS		1,500
	Special Programming	1,500	
A7623	SENIOR CITIZENS CENTER		5,500
			<hr/>
	<i>HOME & COMMUNITY SERVICES</i>		816,500
			<hr/>
A8140	STORM SEWERS		235,000
	Salaries	175,000	
	Contractual		
	Services	60,000	
A8170	STREET CLEANING		209,500
	Salaries	205,000	
	Contractual		
	Services	4,500	
A8791	DEPARTMENT OF DEVELOPMENT		372,000
			<hr/>
	<i>UNDISTRIBUTED</i>		13,218,984
			<hr/>
A9010	STATE RETIREMENT		<hr/>

			<u>1,225,000</u>
A9015	POLICE & FIRE RETIREMENT		<u>2,465,000</u>
A9030	SOCIAL SECURITY		<u>1,185,000</u>
A9040	WORKERS' COMPENSATION		<u>325,000</u>
A9050	UNEMPLOYMENT INSURANCE		<u>4,000</u>
A9060	HEALTH INSURANCE		<u>4,650,000</u>
A9061	DENTAL INSURANCE		<u>354,000</u>
A9551	CAPITAL		<u>750,000</u>
	DPW Equipment	23,172	
	Street Reconstruction	283,414	
	Street Resurfacing	283,414	
	Curb & Gutter	50,000	
	Storm Sewer	50,000	
	Sidewalk	50,000	
	Tree Planting	10,000	
A9710	PRINCIPAL - SERIAL BONDS		<u>720,000</u>
	1991 Various Purposes	15,000	
	1999 Various Purposes	135,000	
	2000 Various Purposes	105,000	
	2010 Various Purposes	255,000	
	2011 Various Purposes	210,000	
A9711	INTEREST - SERIAL BONDS		<u>359,042</u>

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	1991 Various Purposes	2,664
	1999 Various Purposes	19,756
	2000 Various Purposes	14,328
	2010 Various Purposes	176,694
	2011 Various Purposes	145,600
A9730	PRINCIPAL - ANTICIPATION NOTES	<u>-</u>
A9731	INTEREST - ANTICIPATION NOTES	<u>15,000</u>
A9775	JURA APPROPRIATION - RAMPS	<u>600,660</u>
A9785	INSTALLMENT DEBT - BPU	<u>359,556</u>
A9786	INSTALLMENT DEBT - DPW EQUIP.	<u>206,726</u>
	TOTAL APPROPRIATIONS	<u><u>33,218,135</u></u>

**CITY OF JAMESTOWN
2013 ESTIMATED REVENUES**

ACCOUNT		2013 BUDGET
A1051	Gain on Tax Acquired Property	1,000
A1080	Federal Housing Payments	32,000
A1081	Payments In Lieu of Taxes	195,000
A1090	Interest & Penalty on Taxes	38,000
A1110	Sales Tax	5,775,000
A1170	Franchise Fee City Treasurer's	370,000
A1230	Fees	75,000
A1232	School Tax Collection Fee	

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		18,000
A1255	City Clerk's Fees	65,000
A1311	Utilities Gross Receipts	170,000
A1520	Police Dept. Fees	30,000
A1540	Fire Dept. Fees	48,000
A1550	Dog Violations	2,000
A1589	Traffic Control Fees	2,000
A1590	Parking Violations	210,000
A1710	Public Works Services	45,000
A1720	Parking Lots & Garages	110,000
A1740	On Street Parking Meters	165,000
A2001	Park Fees	45,000
A2401	Interest On Investments	25,000
A2412	Rentals of Real Property	185,000
A2501	Business Licenses	30,000
A2540	Bingo Fees	500
A2542	Dog Licenses	29,000
A2545	Automatic Device Licenses	4,700
A2546	Marriage Licenses	6,500
A2555	Building Permits	32,000
A2560	Street Opening Permits	105,000
A2570	Special Event / Vendor Permits	3,500
A2590	Encroachment Permits	1,000
A2610	Fines & Forfeited Bail	125,000
A2701	Refunds of Appropriated Exp.	490,000
A2770	Other Unclassified Revenues	25,000
A2815	PILOT - Electric	2,317,000
A2816	PILOT - Water	955,000
A2817	PILOT - District	

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	Heat	116,000
A2818	PILOT - Waste Water	446,000
A2819	PILOT - Solid Waste	186,000
A2956	Interest on Capital Investments	7,000
A3001	State Aid Per Capita	4,572,280
A3005	State Aid Mortgage Tax	150,000
A3021	State Aid Court Facilities	21,000
A3330	State Aid Court Security	217,400
A3501	State Highway Aid - CHIPS	716,828
A3589	State Highway Maintenance	203,400
A3820	State Aid Youth Projects	9,200
A3889	State Aid Youth Bureau	15,000
	TOTAL ESTIMATED REVENUE	<u>18,390,308</u>

Carried: 8 ayes, 0 nays

PUBLIC WORKS

201211C15

BY COUNCILWOMAN ECKLUND:

RESOLVED, that the Director of Public Works be, and he hereby is, authorized and directed to install 2 hour parking meters and/or parking pay stations in the following locations:

West Third Street – Jefferson Street to the Third Street Bridge, North and South side – convert from no parking regulation.

This resolution shall take effect immediately.

Carried: 8 ayes, 0 nays

201211C16

BY COUNCILMAN SPITALE:

WHEREAS, the Planning Commission of the City of Jamestown voted on September 18, 2012 to recommend to the Jamestown City Council that a portion of Aldren Avenue between East Second Street and Falconer Street, be abandoned by the City of Jamestown as public street, and

November 27, 2012

WHEREAS, it has been determined that the City of Jamestown no longer requires the aforesaid property known as a portion of Aldren Avenue, and

WHEREAS, notice of the City of Jamestown's intention to abandon the aforesaid property was published in The Post-Journal on October 15, 2012, and thereafter a public hearing was held on October 29, 2012, in accordance with the provisions of Section 29 of the General City Law, and

WHEREAS, notice has heretofore been sent by registered mail, return receipt requested, to the persons and addresses noted on the last preceding real property tax notice issued on the property which abuts the City-owned property above-described, in accordance with the provision of Section 29 of the General City Law, and

WHEREAS, the City Council of the City of Jamestown concurs with the recommendation of the Planning Commission aforesaid; now, therefore, be it

RESOLVED, That the City-owned property described as a portion of Aldren Avenue, as shown on the Official Tax Map of the City of Jamestown, be and the same hereby is abandoned to abutting property owners, and be it further

RESOLVED, That the Assessor and Director of Public Works of the City of Jamestown be and they hereby are authorized and directed to amend the Official Map of the City of Jamestown to reflect the abandonment of the above-described property, and be it further

RESOLVED, That the Mayor be, and he hereby is, authorized and directed to execute quit claim deeds conveying all of the City of Jamestown's right, title and interest to the abutting property owners of the portion of Aldren Avenue, measurements to be determined by the Director of Public Works.

ALL THAT TRACT OR PARCEL OF LAND, situate in the City of Jamestown, County of Chautauqua, and State of New York,

ALL THAT TRACT OR PARCEL OF LAND, situate in the City of Jamestown, County of Chautauqua and State of New York, bounded and described as follows:

BEGINNING at a point in the southerly bounds of Falconer Street, said point being located at the intersection of the southerly bounds of Falconer Street and the westerly bounds of Aldren Avenue; running thence southerly along the westerly bounds of Aldren Avenue to a point, said point being located at the intersection of the westerly bounds of Aldren Avenue and the northerly bounds of East Second Street; thence easterly along the northerly bounds of East Second Street to a point, said point being located at the intersection of the northerly bounds of East Second Street and the easterly bounds of Aldren Avenue; thence northerly along the easterly bounds of Aldren Avenue to a point, said point being located at the intersection of the easterly bounds of Aldren Avenue and the southerly bounds of Falconer Street; thence westerly along the southerly bounds of Falconer Street to the place or point of beginning.

EXCEPTING AND RESERVING any and all utility easements or rights-of-way that may validly affect the above described parcel.

It being the intention to convey that portion of Aldren Avenue lying between Falconer Street and East Second Street in the City of Jamestown, County of Chautauqua and State of New York.

This conveyance is made and accepted subject to any and all utility easements, rights-of-way on records, other easements and restrictions that may validly affect the above described parcel. This conveyance is made pursuant to Resolution of the City of Jamestown City Council adopted November 27, 2012.

November 27, 2012

Councilman Szwejbka: I'd just like to make a comment that it's been stipulated the sidewalk will remain open since many people from the north side LLS area do utilize it to get down to East Second Street to frequent the businesses there.

Carried: 8 ayes, 0 nays

PUBLIC SAFETY

201211C17

BY COUNCILMAN SZWEJBKA:

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 Canby December 8, 2012 to December 7, 2014

Carried: 8 ayes, 0 nays

201211C18

BY COUNCILMAN SZWEJBKA:

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

Section 1. Section 101-7 General Regulations of the Code of the City of Jamestown is hereby amended for as follows:

§ 101-7. General regulations.

A. No sale at a public auction shall continue for more than 30 successive days, Sunday and legal holidays excepted, from the day of the beginning of the sale.

B. Subsections A shall not apply to auction sales of goods, wares or merchandise in job lots or at wholesale nor to auction sales of used household furniture and effects purchased from or sold on account of a householder who has actually used such furniture and effects in his household in this City, provided that a complete list of such furniture and effects, with the name and address of the person from whom they were purchased, shall have been previously filed with the City Clerk. A license shall not be required for an auctioneer selling only such goods.

Section 2. This ordinance amendment shall be effective immediately.

Carried: 8 ayes, 0 nays

201211C19

BY COUNCILMAN SZWEJBKA:

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

Section 1. Section 290-47 B of the Code of the City of Jamestown is hereby amended as follows:

B. Vehicles owned by public utility companies, cable television and other similar service vehicles while making temporary installation, repair or maintenance calls to customers, which calls are not routinely scheduled, may display on the vehicle driver's side sun visor or rearview mirror a permit exempting such vehicles from the provisions of §§ 290-30 through 290-44 of this Code. Such permit or permits, as the case may be, shall be obtained by applying, in writing, to the office of the City Clerk and by paying an annual fee of \$200 per vehicle. Each permit shall contain the dates valid and the license plate number of the designated vehicle. Any vehicle owned by a public utility company, cable television or other similar service vehicle not displaying the permit aforesaid shall not be exempt from §§ 290-30 through 290-44 of this chapter.

Section 2. Section 290-47 D of the Code of the City of Jamestown is hereby amended as follows:

D. Vehicles owned by any person, firm or corporation, which person, firm or corporation has a place of business physically located within the two-hour free parking zones in the Central Business District as defined by § 290-33 of this chapter, which person, firm or corporation utilizes a vehicle or vehicles while making service calls, deliveries or pickups within said two-hour free parking zones in the Central Business District shall display on the vehicle driver's side sun visor or rearview mirror of such vehicle a permit exempting such vehicle from the provisions of § 290-33 of this chapter. Such permit or permits, as the case may be, shall be obtained by applying, in writing, to the office of the Director of Financial Services/City Clerk and by paying an annual fee of \$300 per vehicle. Each permit shall contain the dates valid and the license plate number of the designated vehicle. Permits so issued shall be applicable only to the vehicle for which application is made and shall not be transferable from vehicle to vehicle. Any vehicle not displaying the permit aforesaid shall not be exempt from the provisions of § 290-33 of this chapter. Nothing herein contained shall be deemed to exempt any vehicle displaying the permits authorized herein from the provisions of §§ 290-35 through 290-44 of this chapter.

Section 3. This ordinance amendment shall be effective January 1, 2013.

Carried: 8 ayes, 0 nays

201211C20

BY COUNCILMAN SZWEJBKA:

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

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

CLASSIFICATION	FEE
AMUSEMENT DEVICE	\$100
ADDITIONAL INSPECTION	\$75

AUCTIONEER – ONE OCCASION	\$100
AUCTIONEER – 3-10 OCCASIONS	\$250
AUCTIONEER - > 10 OCCASIONS	\$500
BOWLING ALLEY PER LANE	\$25
CIRCUS	\$600
ELECTRICAL INSPECTOR	\$325
ELECTRICIAN CLASS I	\$325
ELECTRICIAN CLASS I LATE FEE RENEWAL	\$340
ELECTRICIAN CLASS II	\$125
ELECTRICIAN CLASS II LATE FEE RENEWAL	\$140
PAWNBROKER	\$300
SECONDHAND DEALER	\$150
SIGN INSTALLATION	\$30
SOLID WASTE HAULER	\$200
ADDITIONAL VEHICLE	\$50
SITE PLAN REVIEW-STAFF	\$100
SITE PLAN REVIEW-COMMISSION	\$150
STORAGE OF IMPOUNDED VEHICLE	\$60
TAXICAB	\$125
TAXI DRIVER	\$40
TOWER	\$250
TOWER ADDITIONAL VEHICLE	\$50
TRANSIENT RETAIL MERCHANT	\$400
ZONING BOARD OF APPEALS	\$150

Section 2. Section 175-3.B. of the Code of the City of Jamestown is hereby amended for the listed classifications and fees as follows:

CLASSIFICATION	FEE
NEW RESIDENTIAL STRUCTURE UP TO 1,200 SQUARE FEET	\$125
1,200 – 1,800 SQUARE FEET OF FLOOR SPACE	\$175
OVER 1,800 SQUARE FEET OF FLOOR SPACE	\$225
NEW MULTIPLE DWELLING UNIT	\$200 PLUS \$50 ADDITIONAL UNIT
RESIDENTIAL ADDITIONS AND ALTERATIONS	\$100
MINOR RESIDENTIAL	\$75

ADDITIONS AND ALTERATIONS	
NEW COMMERCIAL/INDUSTRIAL BUILDINGS OR STRUCTURES	
UP TO 3,500 SQUARE FEET OF FLOOR SPACE	\$250+.25 PER SQUARE FOOT
3,500 TO 10,000 SQUARE FEET	\$350+.25 PER SQUARE FOOT
10,000 TO 35,000 SQUARE FEET	\$550+.25 PER SQUARE FOOT
GREATER THAN 35,000 SQUARE FEET	\$1,050+.25 PER SQUARE FOOT
ADDITIONS TO EXISTING COMMERCIAL/INDUSTRIAL BUILDINGS	
UP TO 3,500 SQUARE FEET OF FLOOR SPACE	\$250+.25 PER SQUARE FOOT
3,500 TO 10,000 SQUARE FEET	\$350+.25 PER SQUARE FOOT
10,000 TO 35,000 SQUARE FEET	\$550+.25 PER SQUARE FOOT
GREATER THAN 35,000 SQUARE FEET	\$1,050+.25 PER SQUARE FOOT
RENOVATION/ALTERATION TO EXISTING COMMERCIAL STRUCTURES	\$100+.25 PER SQUARE FOOT
RE-ROOFING	\$20
GARAGES, DETACHED (UNDER 600 SQUARE FEET)	\$40
GARAGES, DETACHED (OVER 600 SQUARE FEET)	\$70
FENCES	\$20
STORAGE BUILDINGS, UP TO 250 SQUARE FEET OF FLOOR SPACE	\$45
STORAGE BUILDINGS, OVER 250 SQUARE FEET OF FLOOR SPACE	\$70
DECKS, PORCHES, PATIOS	
UP TO 200 SQUARE FEET OF FLOOR SPACE	\$35
OVER 200 SQUARE FEET OF FLOOR SPACE	\$60
SIGN PERMITS PER SQUARE FOOT	\$1.25
MINIMUM FEE PER SIDE	\$100
INSTALLATION	\$30

SWIMMING POOLS	\$100
DEMOLITIONS	
RESIDENTIAL STRUCTURES	\$100
COMMERCIAL/INDUSTRIAL BUILDINGS OR STRUCTURES	\$200
PARKING LOTS	
1-12 SPACES	\$100
13+ SPACES	\$150
STREET OPENING PERMITS	\$75
ENCROACHMENTS-NEW	\$75
ENCROACHMENTS-RENEWAL	\$50
BILLBOARD PER SQUARE FOOT	\$1.25
MINIMUM PER SIDE	\$100

Section 3. Section 175-3.D. of the Code of the City of Jamestown is hereby amended for the listed classifications and fees as follows:

CLASSIFICATION	FEE
FEES FOR FIRE DEPARTMENT	
FIRE DEPARTMENT MASTER BOX ALARM	\$225
COMMERCIAL AND INDUSTRIAL	\$200

Section 3. Section 175-3.F. of the Code of the City of Jamestown is hereby amended for the listed classifications and fees as follows:

CLASSIFICATION	FEE
PLUMBING PERMIT REPAIRS/REPLACEMENT	\$30

Section 4. Section 175-6. of the Code of the City of Jamestown is hereby amended for the listed classifications and fees as follows:

Whenever a motor vehicle is impounded by the Jamestown Police Department or other police agency for any reason authorized by law and such motor vehicle is stored on real property owned by the City of Jamestown during the period of impoundment, the owner of such motor vehicle shall pay to the City of Jamestown a storage fee of \$60 per day for each day or any portion thereof that said motor vehicle is stored on City property, together with towing charges, if any, incurred by the City of Jamestown in the impound of such motor vehicle and an administrative fee of \$300. No motor vehicle lawfully impounded by the Jamestown Police Department or other police agency which is stored on real property owned by the City of Jamestown shall be released to the owner thereof until such time as such impound is authorized by the Chief of Police or authorized officers under his command or by the impounding police agency other than the Jamestown Police Department, nor shall any such motor vehicle be released from impound until such time as all storage fees, administrative fees and towing charges are paid to the City of Jamestown as authorized herein.

Section 5. This ordinance amendment shall be effective January 1, 2013.

Councilman Szwejbka: Just a quick comment that these fees haven't been updated for three years and in order to help meet expenses it was required to raise these fees.

Carried: 8 ayes, 0 nays

201211C21

BY COUNCILMAN WHITFORD:

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

Section 1. Section 160-16. of the Code of the City of Jamestown is hereby amended for the listed classifications and fees as follows:

§ 160-16. License required. [Added 9-28-1992 by L.L. No. 5-1992; amended 11-27-1995; 12-11-1995 by L.L. No. 6-1995; 2-10-2006 by L.L. No. 2-2006; 11-23-2009]

No private solid waste hauler shall be permitted or entitled to collect and transport solid waste in the City of Jamestown without having first obtained a license to do so from the office of the City Clerk of the City of Jamestown in accordance with Chapter 175 of the Jamestown City Code. Each licensee shall pay a fee of \$200 per annum or any part thereof, together with \$50 for each and every vehicle utilized to collect and/or transport solid waste. If the Solid Waste Hauler collecting solid waste from either commercial or residential sources which is stored upon City property, they shall file with the office of the City Clerk a certificate of insurance, naming the City of Jamestown as loss payee and as an additional insured, in form acceptable to the office of the Corporation Counsel and in a minimum amount of \$100,000 per single occurrence and \$300,000 per multiple occurrence. For purposes of this section, a license shall run from September 1 of each year and shall expire August 31 of the succeeding year. Such private solid waste hauler license shall be accompanied by a decal for each vehicle utilized to collect and/or transport solid waste and shall be, at all times, displayed in a conspicuous place on the left lower corner of the left front window of each vehicle.

Section 2. This ordinance amendment shall be effective January 1, 2013.

Carried: 8 ayes, 0 nays

201211C22

BY COUNCILMAN WHITFORD:

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

Section 1. Section 89-8 B (1). of the Code of the City of Jamestown is hereby amended for the listed classifications and fees as follows:

- (1) For all alarm users with zero to two avoidable alarms during the preceding permit year, no renewal fee shall be charged. The provisions herein shall not be deemed to exempt

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alarm users connected to the master box fire alarm system of the Jamestown Fire Department with zero avoidable alarms from the annual master box fire alarm fee of \$225.

Section 2. Section 89-8 B (2). of the Code of the City of Jamestown is hereby amended for the listed classifications and fees as follows:

(2) For all alarm users with three avoidable alarms during the preceding year, a base permit renewal fee of \$75 shall be charged.

Section 3. Section 89-8 B (3). of the Code of the City of Jamestown is hereby amended for the listed classifications and fees as follows:

(3) For all alarm users with more than three avoidable alarms during the preceding year, a base permit fee of \$75, plus an additional excessive use fee for each avoidable alarm in excess of three shall be charged as follows: for the fourth, fifth, sixth and seventh avoidable alarms, \$75 each; for the eighth, ninth and 10th avoidable alarms, \$125 each; for the 11th, 12th and 13th avoidable alarms, \$150 each; and for every avoidable alarm after the 13th, \$175 each. At the time of renewal, an alarm user shall receive credit for any amounts paid during the permit year to reinstate a revoked permit.

Section 4. This ordinance amendment shall be effective January 1, 2013.

Carried: 8 ayes, 0 nays

201211C23

BY COUNCILMAN WHITFORD:

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

Section 1. Section 249-4C. Application and Cost Estimation. of the Code of the City of Jamestown is hereby amended for as follows:

§ 249-4 C. Application and cost estimation.

C. Application for special event vendor license. The sponsor of a special event may authorize vendors to operate within the defined area of the special event. Local businesses located outside the designated confines of the special event will be required to obtain written authorization from the event sponsor to operate as a vendor. However, businesses located within the designated confines of the special event area may operate as a vendor on the sidewalk which immediately abuts their business during the duration of the special event (and during any time during the year) by paying to the City of Jamestown a fee as provided in Chapter 175. Licenses and Permits.

Section 2. Section 249-5. Fees. of the Code of the City of Jamestown is hereby amended for as follows:

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- A. The fee for a special event permit for an application submitted by a not for profit organization 30 days prior to the date of the event shall be \$100 per event. The fee for a special event permit for an application submitted by a for profit organization 30 days prior to the event shall be \$175 per each day of the event. For an application submitted less than 15 days prior to the date of the event, the fee shall be increased by \$25. For an application submitted less than seven days prior to the event, the fee shall be increased by \$50. In the case of a for profit organization the increased fee will be imposed for each day of the event.
- B. The fee for a not for profit special event vendor license shall be \$25 per day/per vendor. The fee for a for profit special event vendor license shall be \$40 per day/per vendor.

Section 3. This ordinance amendment shall be effective January 1, 2013.

Carried: 8 ayes, 0 nays

201211C24

BY COUNCILMAN WHITFORD:

WHEREAS, Section 290-6 of the Jamestown City Code provides for the adoption of a fine schedule for specified offenses under the traffic ordinances of this City and the state traffic laws in respect to which payments of fines may be accepted by the City Treasurer in satisfaction thereof subject to the approval of the Judge of the City Court; now, therefore, be it

RESOLVED, That the fines for the following offenses be amended and forwarded to the Judge of the City Court for approval:

1st violation, \$5.00; 2nd violation, \$10.00; Fine; 3rd violation, \$15.00; Fine; 4th & subsequent violations, \$20.00 Fine

Meter in Violation §290-40

Meter Feeding §290-39

Overtime in Zone §290-33

This fee schedule shall take effect January 1, 2013.

Carried: 8 ayes, 0 nays

NEW BUSINESS

201211C25

BY COUNCILMAN TAYLOR:

WHEREAS, the City of Jamestown (“City”), which includes all of its public utility operations, is a participant in the Chautauqua County self-insured Workers Compensation Plan (“Plan”), and

November 27, 2012

WHEREAS, The Plan charges each of its participants an annual premium, in accordance with Chautauqua County Local Law 4-2007 and based on a apportionment formula of 40% property value and 60% loss experience, now therefore be it,

RESOLVED, that the City of Jamestown, including its public utility operations, beginning January 1, 2013, will apportion the annual premium charged by the Plan to the City, to the General Fund and to the Proprietary Fund, following Chautauqua County Local Law 4-2007, and further be it

RESOLVED, the General Fund and the Proprietary Fund will each pay its premium based on 40% property value and 60% loss experience, as long as the City remains a participant in the Plan.

Carried: 8 ayes, 0 nays

201211C26

BY COUNCILMAN DeJOY:

RESOLVED, That the following claim be, and hereby is, settled through the Jamestown City Court:

No: 13 of 2012	Cheryl Wentworth	\$400.00
	36 Fluvanna Avenue	
	Jamestown, New York 14701	

Carried: 8 ayes, 0 nays

There being no further business, the meeting was adjourned.

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