

August 26, 2013

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, August 26, 2013 at 7:30 p.m.

Members Present: Council President Gregory Rabb, Council Members, Stephen Szwejbka, Tony Dolce, Marie Carrubba, Maria Jones, Paul Whitford, Kim Ecklund and George Spitale

Members Absent: Michael Taylor

Others Present: Mayor Samuel Teresi, Director of Financial Services/City Clerk James N. Olson, Corporation Counsel Marilyn Fiore-Lehman, Director of Public Works Jeff Lehman, Police Chief/Director of Public Safety Harry Snellings, Deputy Chief Chet Harvey, Director of Development Vincent DeJoy,

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

The Invocation was given by Councilwoman the Rev. Maria Jones.

Councilman Spitale moved to approve the minutes from the July 29, 2013 meeting.

OPPORTUNITY FOR PERSONS TO ADDRESS THE COUNCIL:

No one appeared to speak to the Council.

MESSAGES FROM THE MAYOR

201308A00.01

CITY OF JAMESTOWN)
Mayor's Office)

To the City Council of the City of Jamestown New York

Council Members:

In pursuance of the authority vested in me by the Charter of said City, I do hereby nominate:

August 26, 2013

John Stravato II
3 Lamont Street
Jamestown, New York 14701

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

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

Dated: August 26, 2013

Samuel Teresi
Mayor of the City of Jamestown, New York

Councilman Szwejbka to suspend the rules and vote on the appointments.

Carried: 8 ayes, 0 nays

Councilwoman Ecklund moved to approve the appointments.

Carried: 8 ayes, 0 nays

STANDING COMMITTEES:

FINANCE COMMITTEE:

201308A01

BY COUNCILWOMAN CARRUBBA:

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 \$3,843,372.25 in accordance with the period ending August 23, 2013, 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 \$2,710,483.12, and payrolls in the total amount of \$1,132,889.13, 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: 8 ayes, 0 nays

August 26, 2013

201308A02

BY COUNCILWOMAN CARRUBBA:

RESOLVED, That warrants be drawn and paid to the respective owners and paying agents the sum of one thousand, sixty-five dollars (\$1,065.00) in accordance with the bond and note requirements as follows:

Public Improvement Bonds, issue of October 15, 1991, one thousand, five sixty-five dollars (\$1,065.00) for six months interest at 7.10% per annum on thirty thousand dollars (\$30,000).

Carried: 8 ayes, 0 nays

201308A03

BY COUNCILWOMAN CARRUBBA:

RESOLVED, That warrants be drawn and paid to the respective owners and paying agents the sum of one hundred forty-four thousand eight hundred seventy-eight dollars and thirteen cents (\$144,878.13) 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 nine thousand eight hundred seventy-eight and thirteen cents (\$9,878.13) for six months interest at 3.625% per annum on five hundred fifteen thousand dollars (\$515,000).

Note: Refunding of 1999B (partial) issues. Interest savings \$3,935.62 for this payment.

Carried: 8 ayes, 0 nays

201308A04

BY COUNCILWOMAN CARRUBBA:

RESOLVED, that Appraiser Laurie L. Sorg be and she hereby is authorized to attend the following Real Estate Appraisal Courses to maintain her New York State Appraiser License entitled "Mold, Pollution and the Appraiser, Ethics, Environmental Issues for Appraisers, Construction Details and Trends and Residential Report Writing" conducted by Education by McKissock in accordance with Chapter 696 of the Laws of 1990 regarding the study of real estate appraisal subjects with tuition paid pursuant to Section 77-b of the General Municipal Laws of the State of New York, and be it further

RESOLVED, that within two weeks of the completion of such course, the employee shall submit a written report of the training to the Finance Committee.

August 26, 2013

Note: The Town of Busti will pay one-half of the cost \$244.88

Carried: 8 ayes, 0 nays

201308A05

BY COUNCIL DOLCE:

WHEREAS, Jamestown Community College (JCC) desires to provide programs and courses on the Cattaraugus County campus in Olean that are similar to the courses offered in the Manufacturing Technology Institute building on the main campus in Jamestown; and

WHEREAS, the Knights of Columbus facility located on a parcel of land immediately adjacent to the Cattaraugus County Campus is available for purchase, and JCC officials and representatives of an architectural firm have viewed the facility and determined that it is a highly desirable venue for educational programming related to manufacturing and technology; and

WHEREAS, the JCC Regional Board of Trustees has approved the project with a capital budget not to exceed \$2,200,000; and

WHEREAS, the State of New York has matching funds potentially available for one-half of the cost of the project, and JCC has sufficient funds for one-quarter of the cost of the project, and there is a remaining one-quarter of the cost of the project required of Cattaraugus County for projects taking place on the Cattaraugus County campus only; and

WHEREAS, Section 6310(10) of the Education Law requires that all proposals for the acquisition of college facilities adopted by a community college regional board of trustees be approved by the legislative body of all local governments appointing members to such board of trustees; and

WHEREAS, the City of Jamestown will incur no local share expense related to the Cattaraugus County manufacturing and technology project; now therefore be it

RESOLVED, that the Jamestown City Council hereby approves the above-described capital project of JCC on the Cattaraugus County campus.

Councilman Dolce: Just a brief comment, this is part of our obligation as one of the three municipalities that we have to approve this purchase for their expansion down there of a similar technology education facility.

Carried: 8 ayes, 0 nays

August 26, 2013

201308A06

BY COUNCILMAN DOLCE:

RESOLVED, That the “Ordinance for the Adoption and Administration of the Revised Position and Classification and Compensation Plan” for the Municipal Civil Service as heretofore adopted, amended and continued, be and same is hereby further amended as follows:

The full-time position of Director of Technology and Communications in the Information Services Office is hereby created at the following salary range:

<u>Step 1</u>	<u>Step 2</u>	<u>Step 3</u>	<u>Step 4</u>	<u>Step 5</u>	<u>Step 6</u>
\$62,142	\$64,628	\$67,212	\$69,901	\$72,697	\$75,605

Carried: 8 ayes, 0 nays

201308A07

BY COUNCILMAN DOLCE:

WHEREAS, in accordance with the New York State Environmental Quality Review (SEQR) regulations, the City Council of the City of Jamestown hereby announces its intent to serve as Lead Agency to conduct an environmental review of the Chadakoin River Central/Eastern Study – Jamestown Brownfield Opportunity Area Nomination Study. In accord with the likelihood that the City Council will serve as Lead Agent, the City Council has had prepared an Environmental Assessment of the significance of and potential environmental impact of the proposed project; and

WHEREAS, the City Council has determined that the project is of sufficient scope as to justify preparation of a full Environmental Assessment Form (EAF) and the conduct of a Coordinated Review, irrespective of whether the project exceeds the Type I thresholds defined in the SEQR Regulations. It is the belief of the City Council that the review and approval process of other agencies having jurisdiction over the project would likely be simplified by completion of a Coordinated Review; and now therefore be it

RESOLVED, that the City Council hereby accepts the Environmental Assessment of the Chadakoin River Central/Eastern Study – Jamestown Brownfield Opportunity Area Nomination Study, prepared by LaBella Associates, P.C., and the City Council will notify the involved and interested agencies of its intention to act as Lead Agency for this project and will provide them with a copy of Part 1 of the full Environmental Assessment Form for review during the 30-day comment period.

Carried: 8 ayes, 0 nays

August 26, 2013

PUBLIC WORKS:

201308A08

BY COUNCILWOMAN ECKLUND:

RESOLVED, that the Mayor be and he hereby is authorized to execute Change Order #1 to the Tracy Plaza Parapet Wall Removal & Replacement contract with CPS Construction Group, Inc., 927 Route 910, Suite 200, Cheswick, PA 15024 (Resolution 201306B23), to include changes as follows:

Accepted Change Order Expenses as recommended by Project Engineer,
Greenman-Pedersen, Inc. \$27,016

1. Demo and remove from the site the existing All Weather Crete and Waterproofing material at the accent strip location
2. Demo and remove from the site an additional 4" deep of the existing All Weather Crete under the existing topping to remain
3. Furnish and install sand and cement mix at the additional 4" depth location under the existing topping to remain
4. Furnish and install the additional ready mix concrete at the accent strip location as a result of the removal of the existing All Weather Crete

Total INCREASE Change Order #1 \$27,016

The contract is also hereby extended for a two-week period of time to complete the additional work.

Said Change Order #1 is subject to approval as to form by the office of the Corporation Counsel.

Carried: 8 ayes, 0 nays

201308A09

BY COUNCILWOMAN ECKLUND:

RESOLVED, that the Mayor be and he hereby is authorized to execute Change Order #1 to the CONCRETE WORK: STREET RECONSTRUCTION 2013, LAKEVIEW AVENUE contract with R. Patti Concrete Excavating, LLC, PO Box 3081, Jamestown, NY 14702-3081 (Resolution 201304A15), to include changes as follows:

August 26, 2013

Increase:

174 TON Additional Stone @ \$28/TON \$4,872

Decrease:

1828 SF 4" Flat work @ \$5.00/SF	(9,140)
109 SF 6" Flat work @ \$5.75/SF	(626.75)
239 LF 18" Curb & Gutter @ \$18.00/LF	(4,302)
50 LF 18" Curb & Gutter: Stationary Form @ \$25.00/LF	(1,250)
30 LF Steps @ \$55.00/LF	(1,650)
10 EA Core Drill @ \$80.00/EA	(800)
80 SF Detectable Warning Surface	(1,200)
 Total DECREASE Change Order #1	 (\$14,096.75)

Said Change Order #1 is subject to approval as to form by the office of the Corporation Counsel.

Carried: 8 ayes, 0 nays

PUBLIC SAFETY:

201308A10

BY COUNCILMAN SZWEJBKA:

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

Chapter 275, Towing

Section 1. Section 275-4, Licenses; fees; transfer requirements of the Code of the City of Jamestown is hereby amended as follows:

C. The annual license fee for each license issued pursuant to this chapter shall be \$250 plus \$50 for each additional vehicle above one which is covered by the license issued.

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

Carried: 8 ayes, 0 nays

BY COUNCILMAN SZWEJBKA :

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

Chapter 240, SEWERS

ARTICLE I Wastewater Charges and Debt Retirement Apportionment

Section 1. Section 240-2, Definitions of the Code of the City of Jamestown is hereby amended as follows:

SEWER RENTS -A scale of monthly charges established and imposed by the City of Jamestown through its Board of Public Utilities for the use of the sewerage system or any part or parts thereof.

Section 2. This ordinance shall be effective January 1, 2014.

Carried: 8 ayes, 0 nays

BY COUNCILMAN SZWEJBKA :

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

Chapter 240, SEWERS

ARTICLE I Wastewater Charges and Debt Retirement Apportionment

Section 1. Section 240-6, Sewer Rents of the Code of the City of Jamestown is hereby amended as follows:

- A. A system of sewer rents shall be established by the City of Jamestown through its Board of Public Utilities, and such system shall assure that each recipient of wastewater treatment services within the City's service area shall pay its proportionate share of the costs of operation and maintenance of all wastewater treatment services provided by the City of Jamestown. Operation and maintenance includes replacement which is construed to be expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary during the service life of the treatment facilities to maintain the capacity and performance for which such facilities were designed and constructed. The costs of operation and maintenance of publicly owned treatment facilities shall be distributed to the pollutant source to promote self-sufficiency of treatment works with respect to operation and maintenance.
- B. Sewer rent system.

August 26, 2013

(2) The City of Jamestown through its Board of Public Utilities shall review sewer rents annually and revise them to reflect actual operation and maintenance costs.

Section 2. This ordinance shall be effective January 1, 2014.

Carried: 8 ayes, 0 nays

201308A13

BY COUNCILMAN SZWEJBKA :

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

Chapter 240, SEWERS

ARTICLE I Wastewater Charges and Debt Retirement Apportionment

Section 1. Section 240-7, Debt Retirement of the Code of the City of Jamestown is hereby amended as follows:

(2) The City of Jamestown through its Board of Public Utilities shall review debt retirement charges annually and revise them to reflect current flows, flow rates and wastewater characteristics.

Section 2. This ordinance shall be effective January 1, 2014.

Carried: 8 ayes, 0 nays

201308A14

BY COUNCILMAN SZWEJBKA :

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

Chapter 240, SEWERS

ARTICLE II Sewer Rents

Section 1. Section 240-9, Definitions of the Code of the City of Jamestown is hereby amended as follows:

SEWER RENTS – A scale of monthly charges established and imposed by the City of Jamestown through its Board of Public Utilities for the use of the sewerage system or any part or parts thereof.

August 26, 2013

Section 2. This ordinance shall be effective January 1, 2014.

Carried: 8 ayes, 0 nays

201308A15

BY COUNCILMAN WHITFORD :

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

Chapter 240, SEWERS

ARTICLE II Sewer Rents

Section 1. Section 240-11, Assessment of rent; billing of the Code of the City of Jamestown is hereby amended as follows:

To provide for the operation and maintenance of the sewerage system of the City of Jamestown and to provide for debt retirement expenses required for the design and construction of the sewerage system of the city of Jamestown among the contributors who benefit by its use, an annual sewer rent payable by monthly installments shall be assessed to such contributors by the City of Jamestown through its Board of Public Utilities. Each contributor shall be notified at least annually in conjunction with a regular bill of the rate and portion of sewer rents for wastewater treatment and debt retirement as per 40 CFR 35.929-2(f)

Section 2. This ordinance shall be effective January 1, 2014.

Carried: 8 ayes, 0 nays

201308A16

BY COUNCILMAN WHITFORD :

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

Chapter 240, SEWERS

ARTICLE II Sewer Rents

Section 1. Section 240-12, Establishment of rent by resolution of the Code of the City of Jamestown is hereby amended as follows:

The City of Jamestown through its Board of Public Utilities shall, by resolution, prior April 1 of each year establish the sewer rent and contributor rate per 100 cubic feet of water consumed for the following year. The annual sewer rent and contributor rate shall be established by utilization

August 26, 2013

of the provisions and formulas set forth in Article I, Wastewater Charges and Debt Retirement Apportionment, of this chapter.

Section 2. This ordinance shall be effective January 1, 2014.

Carried: 8 ayes, 0 nays

201308A17

BY COUNCILMAN JONES:

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

Chapter 240, SEWERS

ARTICLE II Sewer Rents

Section 1. Section 240-16, Periodic review of the Code of the City of Jamestown is hereby amended as follows:

The City of Jamestown through its Board of Public Utilities shall review not less often than every two years the wastewater contributions and the total cost of operation and maintenance and revise this article as needed to meet the requirements of 40 CFR 35.929-2(b)(1) through (3).

Section 2. This ordinance shall be effective January 1, 2014.

Carried: 8 ayes, 0 nays

NEW BUSINESS:

201308A18

BY COUNCILMAN DOLCE:

WHEREAS, the national housing foreclosure crisis has had a devastating impact not only on families whose homes are subject to foreclosure, but on surrounding neighborhoods and communities and New York State as a whole; and

WHEREAS, the February 2012 National Mortgage Settlement was obtained by New York, along with 48 other state Attorneys General and the federal government, and five of the nation's largest mortgage servicers concerning improper foreclosure and loan servicing practices; and

WHEREAS, the New York State Attorney General is dedicating a portion of the funds awarded to New York under the National Mortgage Settlement to support the community revitalization efforts of legally designated Land Banks, formed under the New York State Land Bank Act of

August 26, 2013

201 as stated under the law, “there is an overriding public need to confront the problems caused by vacant, abandoned and tax delinquent properties;” and

WHEREAS, the Office of the New York Attorney General has issued a Request for Applications: Community Revitalization Initiative Round 1 (13-001) to be submitted by September 20, 2013, providing grants of varying amounts to individual New York State designated Land Banks under New York State Law to undertake revitalization and renewal activities to address community-based challenges stemming from the aftermath of the foreclosure crisis; and

WHEREAS, the Chautauqua County Land Bank Corporation is a Not-For-Profit Land Bank Corporation under Article 16 of the Not-For-Profit Corporation law of the State of New York; and

WHEREAS, the Chautauqua County Land Bank Corporation is prepared to submit an application to the Office of the New York State Attorney General for the Community Revitalization Initiative (13-001) with the scope of the proposal consisting of: County-wide demolition program to remove dilapidated structures; establish a Repository and Funding for bank foreclosed properties; financial assistance for developers; side lot disposition program; marketing and web site development; and administration of the program; and therefore be it now

RESOLVED, that the City Council hereby supports the application to be submitted by the Chautauqua County Land Bank Corporation to the Office of the New York Attorney General for the Community Revitalization Initiative Round 1: Request for Applications (13-001) from Designated Land Banks under the New York State Law.

Councilman Dolce: Just briefly, this is a three million dollar grant proposal, one and a half million dollars of this if we are lucky enough to get this would go toward demolition in Chautauqua County in which Jamestown would get a good chunk of it. There are also some other items in here, \$600,000 for developers, \$500,000 for foreclosures and marketing. Hopefully we will be successful at this. It would help not only Jamestown but Dunkirk as well as some of the rural areas in dealing with some of the dilapidated and condemned buildings and properties.

Carried: 8 ayes, 0 nays

201308A19

BY COUNCILMAN DOLCE:

RESOLVED, that the Mayor be, and he hereby is, authorized to enter into an agreement with North Eastern Rescue Vehicles, Inc., 10 Dwight Park Drive, Syracuse, New York 13209 for the purchase of one (1) Braun-Type III 2013 Ford V-10 Gas Ambulance in an amount not exceed One Hundred Fourteen Thousand Five Hundred dollars (\$114,500.00) in accordance with funding received by the Department of Homeland Security Assistance to Firefighters Grant Program Award EMW-2012-FV-01876 and subject to the approval of the Corporation Counsel as to form.

August 26, 2013

Councilman Dolce: This is just the other part of the grant, we have already purchased the fire truck and this now is the ambulance part of the particular grant.

Carried: 8 ayes, 0 nays

Councilman Szwejbka: I would like to publically thank Bruce Piatz of M&M Sports for his recent donation to the Jamestown Police Department. I think it exemplifies the support our local Police have in the community.

Second, there is going to be a meeting on September 9, 2013 at 6:00 P.M. in the town of Ellicott Hall with the DEC concerning the deer problem in the area. I have received a lot of calls from the upper Weeks and Stowe Street area and those deer that are hanging out there are not only in Jamestown but the Town of Ellicott. I will be attending that so I can bring back information to my constituents. I think it is a good step that some strategies, some approaches be discussed on what can be done in the greater Jamestown area concerning deer.

There being no further business, the meeting was adjourned.

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