

September 30, 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, September 30, 2013 at 7:30 p.m.

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

Others Present: Mayor Samuel Teresi, Director of Financial Services/City Clerk James N. Olson, Director of Public Works Jeff Lehman, Police Chief/Director of Public Safety Harry Snellings, Deputy Chief Chet Harvey, Director of Development Vincent DeJoy, Executive Assistant to the Mayor Matt Hanley

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 Rev. Jim Read of the Bethel Baptist Church.

Councilman Spitale moved to approve the minutes from the August 26, 2013 meeting.

MESSAGES FROM THE MAYOR:

201309B00.01

Dear City Council Members:

In accordance with the provisions of Section 20(4) of the Municipal Home Rule Law of the State of New York and in my capacity as Chief Executive Officer of the City of Jamestown and in response to a request made by members of the Jamestown City Council, I hereby certify that there is necessity for immediate passage of Local Law Number 1 of 2013 entitled "A LOCAL LAW AUTHORIZING A PROPERTY TAX LEVY IN EXCESS OF THE LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW §3-c."

THIS CERTIFICATION IS INTENDED TO ALLOW PASSAGE OF THIS Local Law by the Jamestown City Council on or before September 30, 2013 so that a public hearing pursuant to Section 20(5) of the Municipal Home Rule Law may be scheduled for 9:00 A.M., October 10, 2013 in the Police Training Room.

Sincerely,
Samuel Teresi, Mayor

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201309B00.02

CITY OF JAMESTOWN)
Mayor's Office)

To the City Council of the City of Jamestown New York

Council Members:

In accordance with Section 310 of the New York State Real Property Tax Law, I do hereby nominate:

Randall G. Holcomb
112 West Fairmount Ave.
Lakewood, N.Y. 14750

to be re-appointed as the Assessor of the City of Jamestown in and for the City of Jamestown, New York.

The term for which said appointment is to be made will expire September 30, 2019.

Dated: September 30, 2013

Samuel Teresi
Mayor of the City of Jamestown, New York

201309B00.03

CITY OF JAMESTOWN)
Mayor's Office)

To the City Council of the City of Jamestown New York

Council Members:

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

James N. Olson
106 Arcade Avenue
Jamestown, New York 14701

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

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The term for which said appointment is to be made will expire September 30, 2018.

Dated: September 30, 2013

Samuel Teresi
Mayor of the City of Jamestown, New York

Councilman Taylor moved to suspend the rules.

Carried: 9 ayes, 0 nays

Councilman Spitalo moved to approve the appointments.

Carried: 9 ayes, 0 nays

OPPORTUNITY FOR PERSONS TO ADDRESS THE COUNCIL:

Dave O'Connor, 26 Ohio Street, Jamestown: I know some of you. I've started a new business and so far we have made two part-time hires, so that's always a good thing. It's called the Chautauqua Advertiser and Transcript. Its website is chaucon. If you go there now, you're just going to see the word press generic page – it says "Hello World" or something like that and that's because we haven't loaded content. The reason we haven't done that is I found out it takes about eight seconds under the site I have now, and being a red blooded American, I of course, had a consultant and the consultant said eight seconds is no good so they're tweaking it so it will load hopefully in less than 1.6 seconds. Hopefully, that will be done soon. I look forward to working with all of you. I think we're going to bring a lot of interesting things to the table. We're going to concentrate more on a large industry in Chautauqua County – agriculture – which I feel is not well covered at the present time and because of the Greek Yogurt boom is having a real resurgence. The amount of time line revenue one dairy cow can bring in has about doubled in the last three years. There are a lot of towns in Chautauqua County, notably Clymer, that have very large herds. We also will have a lot of pictures. I took a lot of pictures of the river walk over the weekend and made one of them as part of our logo and we're going to report it straight. I met with the Mayor the other day and I said our motto is going to be the integrity of the facts – going to play it straight down the middle. I don't have any particular political axes to grind – no more than the normal red blooded American, but I want the facts to speak for themselves. We want to be, if you will, a little heavy in our coverage. Our opinion is lively. Any of you folks want to put a column in or write a letter, do it. It won't be edited. I presume you're all ladies and gentlemen and no editing will be needed on that store, but as far as content, go to it. We look forward to it. So thanks very much and hopefully you'll see what I think is going to be a very impressive website in the next 24-48 hours. Thank you.

STANDING COMMITTEES:

FINANCE COMMITTEE:

201309B01

BY COUNCILWOMAN CARRUBA:

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 \$5,611,556.82 in accordance with the period ending September 27, 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 \$4,423,483.48, and payrolls in the total amount of \$1,188,073.34, 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

201309B02

BY COUNCILMAN CARRUBA:

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 one million seventy thousand, one hundred seventy-eight dollars (\$1,070,178) has been allocated to the City during FY 2013 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 seventy-four thousand, two hundred twenty-seven dollars (\$274,227) has been allocated to the City during FY 2013 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 2013 Community Development Block Grant and HOME program; and

WHEREAS, on June 26, 2013, 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 2008 Consolidated Plan, which outlines proposed uses for the City's FY 2008 Community Development Block Grant and HOME allocation; and

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WHEREAS, on August 23, 2013, the City of Jamestown received formal approval of its FY 2013 Consolidated Plan from the United States Department of Housing and Urban Development; now therefore be it

RESOLVED, that the Mayor be and 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 awards; and be it further

RESOLVED, that the Mayor be and 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.

FY 2013 Community Development Block Grant and HOME Programs

Summary of FY 2013 CDBG Activities:

Proposed Low-Moderate Benefit Activities = 82.22 % of Active Funds

Activity	Amount
A.D.A. Improvements –Public Facilities	\$ 100,000
Neighborhood Target Area Infrastructure Improvement Program	\$ 255,000
Neighborhood Target Area Demolition Program	\$ 213,892
Owner Occupied Emergency Repair Program	\$ 45,000
Downtown Handicapped Accessibility Improvement Program	<u>\$ 90,000</u>
SUB-TOTAL (Low - Moderate Benefit Activities)	<u>\$ 703,892</u>

Proposed Slums and Blight Activities = 17.78 % of Active Funds

Activity	Amount
Downtown Greenlining Façade Improvement Program	\$ 152,250
SUB-TOTAL (Slums and Blight Activities)	<u>\$ 152,250</u>
Administration/Program Delivery	<u>\$ 214,036</u>
TOTAL (CDBG Program)	<u>\$ 1,070,178</u>

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Summary of FY 2013 HOME Program Activities:

Activity	Amount
Citywide Owner-Occupied Rehabilitation	\$ 205,670
CHDO Set-Aside (15%)	\$ 41,134
Administration/Program Delivery	<u>\$ 27,423</u>
TOTAL (HOME Program)	<u>\$ 274,227</u>

Carried: 9 ayes, 0 nays

201309B03

BY COUNCILWOMAN CARRUBBA:

RESOLVED, That the Mayor of the City of Jamestown, be, and he hereby is, authorized to enter into a grant agreement with the Gebbie Foundation in an amount not to exceed \$44,700 for the purpose of installing fencing along the Riverwalk adjacent to the City of Jamestown Board of Public Utilities, subject to the approval of the Corporation Counsel as to form.

Carried: 9 ayes, 0 nays

201309B04

BY COUNCILWOMAN CARRUBBA:

RESOLVED, That the Mayor be, and he hereby is, authorized to enter into an agreement with Schichtel's Nursery of Orchard Park, New York, in the amount of \$8,522.00 for the purchase of nursery stock, with Russell's Tree and Shrub Farm, East Amherst, New York in the amount of \$4,579.00 for the purchase of nursery stock and Chestnut Ridge Nursery, Inc., Orchard Park, New York in the amount of \$4,543 for the purchase of nursery stock subject to the approval of the Corporation Counsel as to form.

Councilwoman Carrubba: These were all bid out and that's why they're not local.

Carried: 9 ayes, 0 nays

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201309B05

BY COUNCILMAN DOLCE:

RESOLVED, that Engineering Technician Matthew Robinson be, and he hereby is, authorized to attend a course entitled "Principles of Cartography GIS225" conducted by American Sentinel University, Inc., September 9, 2013 to November 10, 2013 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.

Carried: 9 ayes, 0 nays

201309B06

BY COUNCILMAN DOLCE:

RESOLVED, That Sergeant Rob Bender and Police Officer Rob Ward be, and they hereby are, authorized to attend the Advanced Marksmanship Sniper/Observer Course to be held in Alden, New York, September 15-20, 2013 with expenses paid pursuant to Section 77-b of the General Municipal Law of the State of New York.

Carried: 9 ayes, 0 nays

201309B07

BY COUNCILMAN DOLCE:

RESOLVED, That Police Officer Jason Donato be, and he hereby is, authorized to attend the 39th Annual Arson Seminar in Montour Falls, New York, November 6-8, 2013 with expenses paid pursuant to Section 77-b of the General Municipal Laws of the State of New York.

Carried: 9 ayes, 0 nays

201309B08

BY COUNCILMAN DOLCE:

RESOLVED, That Police Officer Matt Kachermeyer be, and he hereby is, authorized to attend the Hostage Negotiation Course in Batavia, New York, September 9-13, 2013 with expenses paid pursuant to Section 77-b of the General Municipal Law of the State of New York.

Carried: 9 ayes, 0 nays

201309B09

BY COUNCILMAN DOLCE:

RESOLVED, that Mayor Sam Teresi, and Police Chief/Director of Public Safety Harry Snellings be, and they hereby are, authorized to enter into an agreement with the City of Jamestown School District for providing one (1) School Resource Officer in the Jamestown Public Schools for a term of one (1) year beginning September 1, 2013 and ending August 31, 2014 in an amount not to exceed \$89,500 per year, subject to the approval of the Corporation Counsel as to form.

Carried: 9 ayes, 0 nays

PUBLIC WORKS

201309B10

BY COUNCILMAN SPITALE:

RESOLVED, by the City Council of the City of Jamestown that the Department of Public Works is hereby authorized to designate two (2) parking spaces on the south side of E. Fifth Street in front of First Baptist Church of Jamestown, 358 E. Fifth Street, just west of Church Street, for handicapped parking.

Councilman Dolce: Briefly, I just want to thank Jeff Lehman and the DPW for working with the church over there to alleviate some of their concerns about the construction and being able to provide those handicap spots for their congregation.

Carried: 9 ayes, 0 nays

201309B11

BY COUNCILWOMAN ECKLUND:

RESOLVED, that the Mayor be, and he hereby is, authorized to execute Change Order #2 to the Tracy Plaza Parapet Wall Removal and 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 #2 expenses as recommended by Project Engineer, Greenman-Pedersen, Inc., per attached letter dated September 20, 2013, as itemized in attached letter of CPS Construction Group dated September 18, 2013

Total INCREASE Change Order #2 \$62,434.00

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The contract is also hereby extended for thirty (30) days of time to complete the additional work.

Said Change Order #2 is subject to approval as to form by the office of the Corporation Counsel.

Carried: 9 ayes, 0 nays

201309B12

BY COUNCILMAN SPITALE:

RESOLVED, That the bid submitted by R. Patti Concrete Excavating, LLC, PO Box 3081, Jamestown, NY 14702-3081, for Concrete Work: Street Reconstruction 2013, Broadhead Ave. – Kidder St. to Prather Ave., based on the bid opened September 18, 2013, in the following amounts, be and the same hereby is accepted:

4500 SF Flat Work: 4 inch at \$5.00 SF
3500 SF Flat Work: 6 inch at \$5.70 SF
1750 LF Standard 18" Curb & Gutter: Slip Form at \$18.95 LF
40 LF Standard 18" Curb & Gutter: Stationary Form at \$28.00 LF
100 LF Steps at \$ 50.00 LF
23 EA Core Drill: 4 inch diameter with 15' 4" drain pipe at \$80.00 EA
30 TON Additional Stone at \$28.00 TON
5 CY Additional Excavation: \$0.00 CY
4 EA Installation of (owner supplied) Detectable Warning Surface ADA Accessible
Curb Cuts at \$80.00 EA
30 SY Flexible Pavement (asphalt sidewalk) adjacent to trees,
2 ½" of 7F top, compacted at \$60.00 SY

for a total bid amount of Eighty-six Thousand Five Hundred Thirty-two Dollars and Fifty Cents (\$86,532.50), this being the lowest of three bids received meeting qualifications, and be it further

RESOLVED, That the Mayor be, and he hereby is, authorized to execute an agreement with R. Patti Concrete Excavating, LLC, which agreement will reflect the services to be performed by R. Patti Concrete Excavating, LLC, at the prices referred to above, said agreement to be subject to approval as to form by the office of the Corporation Counsel.

Carried: 9 ayes, 0 nays

LOCAL LAW NO. 1 OF 2013

BY COUNCILMAN DOLCE:

A local law authorizing a property tax levy in excess of the limit established in General Municipal Law §3-c

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

Section 1. Legislative Intent: It is the intent of this local law to allow the City of Jamestown to adopt a budget for the fiscal year commencing January 1, 2014 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law § 3-c.

Section 2. Authority: This local law is adopted pursuant to subdivision 5 of General Municipal Law §3-c, which expressly authorizes a local government’s governing body to override the property tax cap for the coming fiscal year by the adoption of a local law approved by a vote of sixty percent (60%) of said governing body.

Section 3. Tax Levy Limit Override: The City Council of the City of Jamestown, County of Chautauqua, is hereby authorized to adopt a budget for the fiscal year commencing January 1, 2014 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law §3-c.

Section 4. Severability: If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court’s order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective date: This local law shall take effect immediately upon filing with the Secretary of State.

Councilman Dolce: This is a procedural move that, as you remember, we did last year as well. Many of the municipalities across the State of New York, as well as school districts, have passed similar resolutions in the event that there is a clerical error in the calculations and we exceed the 2%, or in the event that we have to exceed the 2%, this gives us the authority to at least go ahead and do that. Certainly, as you remember, last year when we passed this, we did not use it. We did not exceed the 2% but it gives us the clearance or the protection in the event

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that we can't get around it at this particular point. I just want to insure the public that as in everywhere last year as well and all the years preceding it, that this Council is committed to doing whatever we can to not have to use this, but obviously, there are realities out there and as we get more into the budget, we'll see what some of those realities are. This basically is a protection on our part and also doing it now, takes it at least out of the budget process before we actually get into the budget process. If we had to do this later on, it would obviously look a little different than doing it now. So it's more of a protection for us at this particular point, and again, two points: (1) We certainly don't want to have to use it and we're going to try to avoid using it at all costs, and also we didn't use it last year, so again, it's just a procedural move on our part.

Carried: 9 ayes, 0 nays

ANNOUNCEMENTS FROM COUNCIL MEMBERS

Councilman Szwejbka: I'd just like to thank the Parks Department and DPW for a great job they did over the weekend at the Soap Box Derby. They were there on Friday early and they were there on Sunday night very late. I think a lot of volunteerism took place. A lot of people really worked hard to put on a good event. It was nice to see the crowds there. They did a knock-out job.

There being no further business, the meeting was adjourned.

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