

May 19, 2014

City Council

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Proceedings by Authority

State of New York  
City of Jamestown           ss:  
City Council Chambers

A meeting of the City Council of the City of Jamestown, New York was held on Monday, May 19, 2014 at 7:30 p.m.

Members Present:     Council President Greg Rabb and Council Members, Brent Sheldon, Tony Dolce, Tamara Dickey, Marie Carrubba, Maria Jones, Paul Whitford and Kim Ecklund

Members Absent:     George Spitale

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, Deputy Fire Chief Chet Harvey, Police Chief/Director of Public Safety Harry Snellings, Director of Development Vince DeJoy, Executive Assistant to the Mayor Matt Hanley

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

The Invocation was given by The Rev. Jim Read of the Bethel Baptist Church.

Council Dolce moved to approve the minutes from the April 28, 2014 meeting.

**OPPORTUNITIES FOR PERSONS TO ADDRESS THE COUNCIL**

No one appeared to speak.

**STANDING COMMITTEES**

**FINANCE COMMITTEE**

201405A01

BY COUNCILWOMAN ECKLUND:

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 \$3,432,546.38 in accordance with the period ending May 16, 2014,

May 19, 2014

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 \$2,382,277.22, and payrolls in the total amount of \$1,050,269.16, 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

201405A02

BY COUNCILWOMAN ECKLUND:

RESOLVED, That the Mayor of the City of Jamestown be and he hereby is authorized to enter into an agreement with the Municipal Insurance Consultants, Inc. 5687 Main Street, Williamsville, New York 14221, as Insurance Advisor for property and casualty insurance for the period April 15, 2014 through April 14, 2015 in the amount of Seventeen Thousand Dollars and No Cents (\$17,000.00) with one-half of the cost paid by the Board of Public Utilities subject to the approval of the Corporation Counsel as to form.

Carried: 8 ayes, 0 nays

201405A03

BY COUNCILWOMAN ECKLUND:

RESOLVED, That the Mayor of the City of Jamestown be and he hereby is authorized to enter into an agreement with HM Life Insurance Company of New York, placed through Premier consulting Associates, LLC, 1416 Sweet Home Road, Amherst, New York 14228, for a specific excess stop-loss insurance policy for the period June 1, 2014 through May 31, 2015 in the amount of One Hundred Seventy-Five Thousand Dollars (\$175,000) for specific deductible, annual maximum reimbursement One Million Eight Hundred Fifty Thousand Dollars (\$1,850,000), at a cost of Forty One Dollars and Thirty Cents (\$41.30) per covered participant, per month, subject to the approval of the Corporation Counsel as to form.

Carried: 8 ayes, 0 nays

May 19, 2014

201405A04

BY COUNCILWOMAN ECKLUND:

RESOLVED, That the Mayor of the City of Jamestown be and he hereby is authorized to enter into a grant agreement with the Johnson Foundation in an amount not to exceed Twenty Thousand Dollars (\$20,000.00) for the purpose of funding the Physician Recruitment Program through the Strategic Planning and Partnership Commission Health Care Action Team subject to the approval of the Corporation Counsel as to form.

Carried: 8 ayes, 0 nays

201405A05

BY COUNCILWOMAN ECKLUND:

RESOLVED, That warrants be drawn and paid to the respective owners and paying agents the sum of one hundred eleven thousand two hundred twelve dollars and fifty cents (\$111,202.50) in accordance with the bond requirements as follows:

**Various Purpose Bonds,** issue of February 15, 2006, one hundred five thousand (\$105,000) of principal and six thousand two hundred twelve dollars and fifty cents (\$6,202.50) for six months interest at 3.625% per annum on three hundred twenty-five thousand dollars (\$325,000.00).

Carried: 8 ayes, 0 nays

201405A06

BY COUNCILWOMAN ECKLUND:

RESOLVED, That warrants be drawn and paid to the respective owners and paying agents the sum of three hundred fifty thousand six hundred thirty-seven dollars and fifty cents (350,637.50) in accordance with the bond and note requirements as follows:

**Public Improvement Bonds, Series A,** issue of June 15, 2010, two hundred sixty-five thousand dollars (\$265,000.00) principal and eighty-five thousand six hundred thirty-seven dollars and fifty cents (\$85,637.50) for six months interest at 4.25% per annum on four million thirty thousand dollars (\$4,030,000.00).

Carried: 8 ayes, 0 nays

May 19, 2014

201405A07

BY COUNCILMAN DOLCE:

RESOLVED, That warrants be drawn and paid to the respective owners and paying agents the sum of two hundred ninety thousand nine hundred sixty-two dollars and fifty cents (\$290,962.50) in accordance with the bond and note requirements as follows:

**Public Improvement Bonds Series A**, issue of June 1, 2011, two hundred twenty thousand dollars (\$220,000.00) principal and seventy thousand nine hundred sixty-two dollars and fifty cents (\$70,962.50) for six months interest at 3.50% per annum on three million six hundred sixty-five thousand dollars (\$3,665,000).

Carried: 8 ayes, 0 nays

201405A08

BY COUNCILMAN DOLCE:

RESOLVED, That Detectives Steve Promber and Mike Kianos be and they hereby are authorized to attend the Narcotics Investigator Course in Albany, New York, May 12-16, 2014 with expenses paid pursuant to Section 77-b of the General Municipal Laws of the State of New York.

Carried: 8 ayes, 0 nays

201405A09

BY COUNCILMAN DOLCE:

RESOLVED, that Engineering Technician Matthew Robinson be and he hereby is authorized to attend a course entitled "IS 326 – Introduction to Database Systems" conducted by American Sentinel University, Inc., June 16, 2014 to August 10, 2014 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: 8 ayes, 0 nays

201405A10

BY COUNCILMAN DOLCE:

WHEREAS, On January 22, 2002 the Jamestown City Council adopted resolution number 200201C03 that effective immediately and until further notice instituted a hiring freeze for the City of Jamestown, and

WHEREAS, On November 20, 2006 the Jamestown City Council adopted resolution number 200611B17 to extend the freeze to any change in employment from Part-Time to Full-Time status, and

WHEREAS, it has become apparent that within the Department of Public Works an effort to effectively manage the city's day-to-day responsibilities in a cost efficient manner, it is in the City of Jamestown's best interest to lift the hiring freeze for a certain position, now therefore be it

RESOLVED, that effective immediately the Jamestown City Council hereby suspends the hiring freeze instituted by resolution number 200201C03 and resolution number 200611B17 authorizing the filling of the following position due to the essential nature of the position.

- One (1) Laborer in the Department of Public Works (funded in the 2014 General Fund Budget).

Carried: 8 ayes, 0 nays

201405A11

BY COUNCILMAN DOLCE:

WHEREAS, the food service area of the Hamilton Collegiate Center at the Jamestown campus of Jamestown Community College (JCC) has not been renovated in nearly 30 years, and a renovation project was identified as a need in JCC's current five-year capital master plan; and

WHEREAS, the JCC Regional Board of Trustees has approved the renovation of the food service area of the Hamilton Collegiate Center, and the County of Chautauqua has approved financing for the project without any additional monetary contribution by the City of Jamestown, and

WHEREAS, Section 6310(10) of the Education Law requires that all proposals for the improvement 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, therefore be it

RESOLVED, that the Jamestown City Council hereby approves the aforementioned JCC capital project for renovation of the food service area of the Hamilton Collegiate Center for an amount not to exceed \$1,540,000 with no monetary contribution by the City of Jamestown.

May 19, 2014

Councilman Dolce: Just a note, this resolution as well as the next one is part of our responsibility as one of the sponsors of Jamestown Community College, along with the Chautauqua County Legislature and Cattaraugus County as well.

Carried: 8 ayes, 0 nays

BY COUNCILMAN DOLCE:

201405A12

WHEREAS, Jamestown Community College (JCC) currently owns residential property located at 636 Winsor Street in the City of Jamestown that has historically been used as the JCC President's Residence; and

WHEREAS, the property consists of an approximately 6,700 square foot house on 0.44 acres of land designated on the Chautauqua County Tax Map as Tax Parcel Number 379.19-6-4; and

WHEREAS, the President's Residence property is no longer useful or required for community college purposes by JCC, and no longer fits the mission of JCC; and

WHEREAS, because JCC did access state capital funds for the renovation of the President's Residence, 50% of the net proceeds of the sale will be remitted to the State of New York; and

WHEREAS, the divestment of the property provides the opportunity to reduce operating costs of the College; now therefore be it

RESOLVED, that the Jamestown City Council hereby finds that the President's Residence property is no longer useful or required for community college purposes by JCC; and be it further

RESOLVED, that the Jamestown City Council authorizes JCC to effectuate the divestment of the property at a sales price to be no less than \$120,000.00, not including closing and other related costs, with the foregoing dependent on SUNY Board of Trustee approval.

Councilwoman Carrubba: Actually, this is good. The property will be going back on the tax rolls. It's the President's – it was Greg Disinque's house during his tenure as president of the college and since he is no longer president, the college had no longer a need for it and the current president did not wish to reside in that residence, so it's a good thing.

Carried: 8 ayes, 0 nays

May 19, 2014

**PUBLIC WORKS COMMITTEE**

201405A13

BY COUNCILMAN SHELDON:

RESOLVED, That the Board of Public Utilities be, and it hereby is, requested to install thirty-three (33) new 10ft, 150W “period candlestick lighting poles” and six (6) new 14ft 150W “period candlestick lighting poles,” on the Phase VI Riverwalk Project.

Carried: 8 ayes, 0 nays

201405A14

BY COUNCILWOMAN DICKEY:

WHEREAS, the Jamestown Renaissance Corporation is desirous of contributing one kiosk valued at approximately Two Thousand, One Hundred Seventy-Five Dollars (\$2,175) to the City of Jamestown to be used to display information about the Downtown Farmers Market that will be installed in “The Grove” at the corner of Cherry Street and East Second Street, and

WHEREAS, the Jamestown Parks and Recreation Commission approved at their meeting held on May 6, 2014 of the proposed gift and its installation in “The Grove” at the corner of Cherry Street and East Second Street, now therefore be it

RESOLVED, that the City of Jamestown hereby accepts the donation.

Carried: 8 ayes, 0 nays

**PUBLIC SAFETY COMMITTEE**

201405A15

BY COUNCILWOMAN JONES:

RESOLVED, That the following persons be and they hereby are appointed to the office of Commissioner of Deeds in and for the City of Jamestown for a term of two years:

Christine Bajdo  
Nicole C. Kehe

May 20, 2014 to May 19, 2016  
May 20, 2014 to May 19, 2016

May 19, 2014

and be it further

RESOLVED, That the following persons be and they hereby are reappointed to the office of Commissioner of Deeds in and for the City of Jamestown for a term of two years:

Rebecca S. Camp  
James T. Walton

June 17, 2014 to June 16, 2016  
May 22, 2014 to May 21, 2016

Carried: 8 ayes, 0 nays

201405A16

BY COUNCILWOMAN CARRUBBA:

WHEREAS, a Neighborhood Watch Committee has been organized in the Lafayette St. Area for the purpose of deterring crime in this area, and

WHEREAS, the Lafayette St. Neighborhood Watch Program has the support and approval of the Jamestown Police Department, and

WHEREAS, the Jamestown Police Department has received funding for the purchase of Neighborhood Watch signs with the understanding that the City of Jamestown will erect the signs and assume the responsibility for the maintenance of said signs, now therefore be it

RESOLVED, that the Director of Public Works be and he hereby is authorized to erect and maintain said signs in appropriate places on the aforesaid street.

Carried: 8 ayes, 0 nays

201405A17

BY COUNCILMAN WHITFORD:

WHEREAS, a Neighborhood Watch Committee has been organized in the Dearborn St. Area for the purpose of deterring crime in this area, and

WHEREAS, the Dearborn St. Neighborhood Watch Program has the support and approval of the Jamestown Police Department, and

WHEREAS, the Jamestown Police Department has received funding for the purchase of Neighborhood Watch signs with the understanding that the City of Jamestown will erect the signs and assume the responsibility for the maintenance of said signs, now therefore be it

May 19, 2014

RESOLVED, that the Director of Public Works be and he hereby is authorized to erect and maintain said signs in appropriate places on the aforesaid street.

Carried: 8 ayes, 0 nays

**NEW BUSINESS**

201405A18

BY COUNCILWOMAN CARRUBBA:

WHEREAS, in the wake of the financial crisis of 2008, there has been a marked increase in New York State in the incidence of vacant and abandoned residential properties securing delinquent mortgages, which properties frequently fall into disrepair, thus devaluing neighboring properties and harming the larger community; and

WHEREAS, these vacant and abandoned residential properties have become a blight in the City of Jamestown and in many similarly situated neighborhoods across New York State because the properties are often boarded up, dilapidated, unsafe, inhabited by squatters or used for criminal purposes; and

WHEREAS, an accumulation in a community of vacant and abandoned residential properties that are not properly secured or maintained for extended periods can cause a marked decline in that community's real estate market and the state's property tax base; and

WHEREAS, there are documented instances of such properties being used by criminals to manufacture and/or distribute illegal drugs, thus leading to an increased likelihood of crime in and around the property and neighboring community; and

WHEREAS, the City of Jamestown and similarly situated municipalities across New York State are often forced to expend taxpayer funds to prevent vacant and abandoned residential properties from becoming a public hazard, thereby depleting limited local resources; and

WHEREAS, the City of Jamestown and similarly situated municipalities across New York State are often forced to expend taxpayer funds to investigate and determine the ownership, occupancy and foreclosure status of vacant and abandoned residential properties in order to ensure that, where applicable, the mortgagee is complying with current obligations under Federal, State and/or local law to secure and maintain the property, thereby further depleting limited local resources; and

WHEREAS, relevant provisions of existing State law, enacted in 2009, governing the maintenance of abandoned residential properties impose a duty on plaintiff-mortgagees to maintain vacant residential properties only after a judgment of foreclosure and sale has been entered by a court; and

WHEREAS, this recent State law has in many instances proven inadequate to address the growing number of vacant and abandoned properties falling into disrepair in the City of Jamestown and in many similarly situated municipalities across New York State because many such properties are not subject to a pending foreclosure action, and many that are subject to a

May 19, 2014

pending foreclosure have not proceeded, and will not in the foreseeable future proceed, to a court judgment of foreclosure and sale; and

WHEREAS, there is evidence showing that many current and former New York homeowners have been misled into believing they need to leave their homes earlier in the foreclosure process than the law actually requires, thus resulting in even more vacant and abandoned residential properties throughout our communities; and

WHEREAS, the “Abandoned Property Neighborhood Relief Act of 2014” would help the City of Jamestown and similarly situated municipalities and their residents across the State better address the growing problem of vacant and abandoned residential properties by creating a statewide registry of such properties that can be electronically accessed by such municipalities; and

WHEREAS, the “Abandoned Property Neighborhood Relief Act of 2014” would help the City of Jamestown and similarly situated municipalities and their residents across the State better address the growing problem of vacant and abandoned residential properties by imposing a duty on mortgagees and their loan servicing agents to promptly report these properties to the statewide registry and take earlier, pre-foreclosure, action to identify, secure and maintain such vacant and abandoned properties; and

WHEREAS, the “Abandoned Property Neighborhood Relief Act of 2014” would help the City of Jamestown and similarly situated municipalities and their residents across the State better address the growing problem of vacant and abandoned residential properties by providing a much needed and readily available source of information on vacant and abandoned residential properties to local officials throughout the State; and

WHEREAS, the “Abandoned Property Neighborhood Relief Act of 2014” would help the City of Jamestown and similarly situated municipalities and their residents across the State better address the growing problem of vacant and abandoned residential properties by also establishing a statewide toll-free hotline that community residents can use to report suspected vacant and abandoned properties to the Attorney General and receive information regarding the status of registered properties, including the identity of the mortgagee or agent responsible for maintaining them; and

WHEREAS, the “Abandoned Property Neighborhood Relief Act of 2014” would help the City of Jamestown and similarly situated municipalities and their residents across the State better address the growing problem of vacant and abandoned residential properties by ensuring that homeowners are provided with clear and early notice that they are legally entitled to remain in their homes until ordered to leave by a court; and now therefor be it,

RESOLVED, that the Jamestown City Council by this Resolution hereby calls on the Governor, the New York State Assembly and the New York State Senate to promptly enact the “Abandoned Property Neighborhood Relief Act of 2014;” and be it

FURTHER RESOLVED, that the City Clerk is hereby authorized to communicate the concerns of the Jamestown City Council by transmitting certified copies of this resolution to Governor Andrew M. Cuomo, Attorney General Eric T. Schneiderman, President Pro Tem of the New York State Senate Dean Skelos, New York State Assembly Speaker Sheldon Silver, New York State Senator Catharine Young, and New York State Assemblyman Andrew W. Goodell.

Carried: 8 ayes, 0 nays

May 19, 2014

Councilman Dolce: Just a reminder that this Monday is the parade for Memorial Day so we will be, I assume, assembling on Fourth Street again and I look forward to seeing everybody there.

There being no further business, the meeting was adjourned.

James N. Olson  
Director of Financial Services/City Clerk