

March 17, 2008

City Council

Proceedings by Authority

State of New York
City of Jamestown
City Council Chambers

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A regular meeting of the City Council of the City of Jamestown, New York was held on Monday, March 17, 2008 at 7:30 p.m.

Members Present: Council Members: Stephen Szwejbka, Anthony J. Dolce, Michael Taylor, Vincent DeJoy, Maria Jones, Paul Whitford, Kimberly Ecklund, George Spitale

Members Absent: Council President Greg Rabb

Others Present: Director of Financial Services/City Clerk James N. Olson, Corporation Counsel Marilyn Fiore-Nieves, Director of Public Works Jeffrey Lehman, Deputy Fire Chief Lance Hedlund, Police Chief/Director of Public Safety Rex Rater, Executive Assistant to the Mayor Matt Hanley and Legislator Tina Hallquist

The City Clerk called the meeting to order.

Rev. Dan Soderberg of the First Covenant Church gave the invocation.

Councilman DeJoy motioned to nominate Councilman Dolce as President Pro-Tem.

Councilman Whitford seconded the motion.

Councilman Taylor motioned to close the nominations and cast one unanimous ballot.

Carried: 8 ayes, 0 nays

Councilman Dolce assumed his seat as President Pro-Tem.

Councilwoman Ecklund moved to approve the minutes from the February meeting.

OPPORTUNITIES FOR PERSONS TO ADDRESS THE COUNCIL

200803A00.01

Peter Morgante, 134 Euclid Avenue: You know, we had an election last year and the people really wanted to change and improve things. So far, I've attended many meetings all over the city and we're not bringing anything new to the public as an agenda of what you are trying to do. You haven't done anything. All you seem to be doing is getting bogged down on the same issues and the same concerns as the other council people and the other committee people never solved it. And you just keep going and you keep getting deeper and deeper and it's getting worse and worse and worse. The other thing I don't realize is, and I've said this before, you people seem to be led by the decisions of the Strategic Planning & Partnerships Commission on how to do your thinking. They are talking about the Northside Pride, the revaluation of property taxes and all of that. I know you are working very hard Councilman Whitford. The meeting last week was not about the property taxes that they are concerned about. The only thing I got out of the meeting was the Northside Pride started it. All of the property was inaccurately assessed on Lakeview Avenue. All the homeowners had to pick up what was lowered by the apartment houses. 26 apartment houses had lower taxes. None of the houses For Sale have been sold. The Strategic Planning & Partnerships Commission said we have to hire an outside consultant to straighten things out. The Strategic Planning & Partnerships Commission is the worst thing the

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City Council has ever had. I said it before and I'll say it again. You should abandon it. I have attended the Parking Commission meetings over the parking meters. They talk about parking meters downtown and nothing seems to be done for the average person downtown who wants to use them. We were supposed to have a meeting on free parking but nothing is ever done. The committee people do not know what is happening, how many meters there are, who is getting free parking and I keep bringing it up. Why do we have 142 un-metered parking spaces downtown? If you are going to give away free parking, give it to everyone. Up on 4th Street where the YMCA is and the County Building is...you can't answer the question. There is no reason to give free parking. Do you realize how much money is lost? Tickets are where the big money is. Why are we having this problem? We are spending so much time on this it is unbelievable. I think you need to get an agenda and do something for the people and the property owners of Jamestown. People can't even sell their homes. They don't have the money to fix them up and repair them. This is the crisis we are in. Our concern is not that the county is so far behind. We should be concerned about the people. Another issue is the street lighting. It is terrible and you know it. You need to do something about it. Everyone always wants to turn their heads and do nothing about it. You can do something if you really wanted to.

REPORT OF STANDING COMMITTEES

FINANCE COMMITTEE

200803A01

BY COUNCILMAN DeJOY:

RESOLVED, That bills be audited and warrants drawn on the proper funds in payment of the respective amounts, totals as follows: General Fund, Capital Fund, Special Revenue Fund and Trust & Agency Fund \$3,791,203.39 in accordance with the period ending March 17, 2008, 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 \$2,537,286.06, investments in the total amount of \$175,000.00 and payrolls in the total amount \$1,078,917.33 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

200803A02

BY COUNCILMAN DeJOY:

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

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

WHEREAS, effective December 7, 2007 the Board amended the Model Plan to adopt provisions

- Expanding the eligibility for unforeseeable emergency withdrawals

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- Permitting law enforcement officers, firefighters, members of a rescue squad or ambulance crew who have retired from service or disability to request a plan distribution of up to \$3,000 annually to pay for health insurance or qualified long-term care premiums for themselves, their spouse or dependents.
- Permitting a beneficiary who is not the spouse of the deceased Participant to transfer their Plan account directly to an IRA.
- Permitting a Participant who is eligible for a distribution to rollover all or a portion of their Plan account to a Roth IRA.

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

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

RESOLVED, that City of Jamestown hereby amends the Deferred Compensation Plan for Employees of Jamestown, New York by adopting the amended Model Plan effective December 7, 2007, in the form attached hereto as Exhibit A.

Carried: 8 ayes, 0 nays

200803A03

BY COUNCILMAN DeJOY:

RESOLVED, That the City of Jamestown hereby adopts the following parking rate as follows, effective March 1, 2008:

- Monthly Parking Lot lease rate for 10 or greater spaces – 15% discount from adopted rate

Note: Current rate \$30.00 adopted December 20, 2004

Carried: 8 ayes, 0 nays

200803A04

BY COUNCILMAN DeJOY:

RESOLVED, That Mayor Samuel Teresi, be, and he hereby is, authorized and directed to enter into an agreement with the County of Chautauqua for STOP-DWI services for a term of one (1) year beginning January 1, 2007 and ending December 31, 2007, subject to the approval of the Corporation Counsel as to form.

Carried: 8 ayes, 0 nays

200803A05

BY COUNCILMAN DeJOY:

RESOLVED, That the Mayor of the City of Jamestown be, and he hereby is, authorized

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to enter into a grant agreement with the Chautauqua Region Community Foundation in an amount not to exceed \$5,000 for the purpose of funding a portion of the 2008 Summer Playground Program for the Parks, Recreation and Conservation Department subject to the approval of the Corporation Counsel as to form.

Councilwoman Ecklund: I just again would like to thank the Chautauqua Region Community Foundation for their grant for enabling the Summer Rec Program to take place as it is vital to this community.

Carried: 8 ayes, 0 nays

200803A06

BY COUNCILMAN DeJOY:

RESOLVED, That warrants be drawn and paid to the respective owners and paying agents the sum of forty-three thousand five hundred three dollars and thirteen cents (\$43,503.13) in accordance with the bond and note requirements as follows:

Public Improvement Bonds, Series A, issue of March 9, 2006, forty-three thousand five hundred three dollars and thirteen cents (\$43,503.13) for six months interest at 4.50% per annum on two million sixty thousand dollars and no cents (\$2,060,000).

Note: Refunding of 1994A and 1999B (partial) issues. Interest savings \$12,773.12 for this payment.

Carried: 8 ayes, 0 nays

200803A07

BY COUNCILMAN DeJOY:

RESOLVED, That warrants be drawn and paid to the respective owners and paying agents the sum of fifty thousand one hundred seventy-three dollars and seventy-five cents (\$50,173.75) in accordance with the bond and note requirements as follows:

Public Improvement Bonds, issue of October 15, 1991, forty-two thousand five hundred (\$42,500.00) principal and seven thousand six hundred seventy-three dollars and seventy-five cents (\$7,673.75) for six months interest at 7.00% per annum on two hundred fifteen thousand dollars (\$215,000).

Carried: 8 ayes, 0 nays

200803A08

BY COUNCILMAN DeJOY:

RESOLVED, That warrants be drawn and paid to the respective owners and paying agents the sum of seven thousand eight hundred seventy-five dollars (\$7,875.00) in accordance with the bond requirements as follows:

Public Improvement Bonds, Series B, issue of September 15, 1999, seven thousand eight hundred seventy-five dollars (\$7,875.00) for six months interest at 5.25% per annum on three hundred thousand dollars (\$300,000.00).

Carried: 8 ayes, 0 nays

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200803A09

BY COUNCILMAN DeJOY:

RESOLVED, that Traffic Officer Thomas Shea, be and hereby is, authorized to attend the Empire State Law Enforcement Traffic Safety Conference to be held in Lake George, New York on April 29 and 30, 2008, with expenses to be paid by the Operation Impact grant from the State of New York.

Carried: 8 ayes, 0 nays

200803A10

BY COUNCILMAN DeJOY:

RESOLVED, That Crime Analyst Assistant Jayme Reynolds and Typist Nancy Anderson, be, and they hereby are, authorized to attend the Incident Based Crime Reporting Training at the Division of Criminal Justice Office Building, to be held in Albany, New York, March 11-13, 2008 with expenses paid pursuant to the Operation IMPACT grant from the State of New York.

Carried: 8 ayes, 0 nays

200803A11

BY COUNCILMAN DeJOY:

RESOLVED, That Parks Manager John Williams and Equipment Manager Alex DiMaio be and they hereby are authorized to travel to Sagan Truck and Equipment Company, 8871 Tara Blvd., Jonesboro, GA to inspect a used 1995 FL Freightliner aerial bucket truck with expenses paid pursuant to Section 77-b of the General Municipal Law.

Carried: 8 ayes, 0 nays

200803A12

BY COUNCILMAN DeJOY:

RESOLVED, That the Mayor be, and he hereby is, authorized to enter into an agreement with Sagon Trucks and Equipment, Inc., 8871 Tara Blvd., Jonesboro, GA 3238 for the emergency purchase of one (1) 2000 IHC ALTEC AA755 Bucket Truck in an amount not to exceed \$38,500.00 subject to the approval of the Corporation Counsel as to form.

Carried: 8 ayes, 0 nays

200803A13

BY COUNCILMAN DeJOY:

WHEREAS, the New York State Office of Children and Family Services has made available \$18,159.00 in youth service and youth recreation monies to be contracted with non-profit agencies in the City of Jamestown, and

WHEREAS, the Board of Directors of the City of Jamestown's Department of Youth Services has reviewed and passed the youth service and youth recreation programs for 2007 using all of the Office of Children and Family Services eligibility, and

WHEREAS, the agencies will provide proof of expenses to the Department of Youth

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Services before the City will forward the reimbursement to the agencies,

WHEREAS, the City of Jamestown will give the agency a check for the amount of Office of Children and Family Services funding to be reimbursed by the Office of Children and Family Services to the City of Jamestown, now therefore be it

RESOLVED, that the Mayor be, and he hereby is, authorized to enter into contracts with the following agencies for youth service and youth recreation programs for 2008:

PARKS & RECREATION "Summer Program" - youth recreation program,
\$2,783.00;

CHAUTAUQUA STRIDERS "Lighted Schoolhouse Program" - youth service program,
\$3,000.00;

JAMESTOWN BOYS & GIRLS CLUB "Smart Girls" - youth service program, \$2,000.00;

INFINITY PERFORMING ARTS PROGRAM, INC. - youth service program,
\$2,000.00;

The SALVATION ARMY – Children and Family Outreach Program,
\$3,000.00;

JAMESTOWN YMCA " Eastside Boxing Program"- youth service program,
\$2,000.00 and

DEPARTMENT OF YOUTH SERVICES - Project YES - youth service
program, \$3,376.00

Carried: 8 ayes, 0 nays

200803A14

BY COUNCILMAN DeJOY:

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 Jamestown Police Department 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) Crime Analyst in the Jamestown Police Department- funded by the Operation IMPACT IV Grant, July 1, 2007 – June 30, 2008

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Councilwoman Ecklund: I would like to reiterate as was discussed in our various work sessions this month that this position is filled just as long as the grant funds are available. Should the grant become unavailable to the City anymore that this position will no longer be funded.

Carried: 8 ayes, 0 nays

200803A15

BY COUNCILMAN DeJOY:

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 in 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) Traffic Technician II in the Department of Public Works (1 retirement funded in the 2008 General Fund Budget).

Councilwoman Ecklund: I'd like to mention that this is for a retirement. This isn't an additional worker, this is a replacement of the retirement.

Carried: 8 ayes, 0 nays

PUBLIC SAFETY

200803A16

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:

Melissa Pillsbury

March 18, 2008 to March 17, 2010

Carried: 8 ayes, 0 nays

200803A17

BY COUNCILWOMAN JONES:

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

Section 1. Section 5-7 B. of the Code of the City of Jamestown is hereby amended to include the

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following language:

B. The Youth Services Board of Directors shall consist of 15 members, nine of whom shall be adult members over the age of 21 years and six of whom shall be youth members between the ages of 14 and 20 years of age at the time of appointment. A representative of the City Council appointed by the Mayor shall also serve as a liaison of the Commission. The term of office of the Board of Directors shall be for two years. The terms of five adult members and four youth members shall expire at the conclusion of the same year. Vacancies on the Board of Directors occurring otherwise than by expiration of term shall be as original appointments. The members of the Youth Services Board of Directors shall serve without remuneration.

Section 2 This ordinance amendment shall be effective immediately.

Councilman Taylor: I want to thank the Council members who reviewed this and took it under consideration amending the City Code relative to the Youth Bureau. I thought it was important (1) to add a Council member on that Board as just about every other City Commission or Board has a council member appointed to it, so we can have a council member on it so we can see what goes on in the Youth Bureau and get additional updates. Also, in reviewing it to remember that kids – 14, 15, 16 – are able to serve on the Youth Bureau as well in hopes that the Mayor can appoint somebody with maybe more longevity for Board of Directors. Just to reiterate from the work sessions that the Mayor has said also for Council members or anyone in this community who has recommendations to forward them to him.

Carried: 8 ayes, 0 nays

200803A18

BY COUNCILMAN TAYLOR:

LOCAL LAW NO. 1 OF 2008

A LOCAL LAW TO AMEND SECTION C-6 AND C-8 OF THE
CHARTER OF THE CITY OF JAMESTOWN RELATIVE TO THE
APPOINTED OFFICERS AND APPOINTMENT PROCEDURES
OF THE CITY OF JAMESTOWN

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

Section 1. Section C-6 of the Charter of the City of Jamestown is hereby amended to provide as follows:

C-6. Appointed officers.

The appointed officers of the City shall include a Director of Financial Services/City Clerk, Comptroller, Corporation Counsel/Director of Human Resources, Director of Public Works/Director of Parks, Recreation and Conservation, the General Manager of the Board of Public Utilities and Chief of Police/Director of Public Safety.

Section 2. Section C-8 of the Charter of the City of Jamestown is hereby amended to provide as follows:

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§ C-8. Appointment procedures.

A. Method of appointment. Except as specifically provided elsewhere in this Charter or in the City Code for a specific officer or position, the appointed officers of the City, shall be nominated by the Mayor and confirmed by a majority of all members of the City Council. At the first regular or special meeting of the City Council held during the month of January in the year 1996 or at a subsequent regular meeting as soon thereafter as may be and on the same day during each fourth year thereafter or at a subsequent regular meeting as soon thereafter as may be, the Mayor shall nominate such of the appointed officers and employees specified herein whose terms have expired. A certificate signed by the Mayor of every appointment to office shall be made and filed with the Director of Financial Services/City Clerk. In case the City Council neglects or refuses to confirm any nomination made by the Mayor or by any officer or board at the meeting at which it was made or at the next regular meeting, such Mayor, officer or board shall, at the next regular meeting subsequent to such final neglect or refusal to confirm, nominate some other person and shall continue to do so at successive meetings until the nomination last made shall be confirmed. If the Mayor or other officer or board shall for two consecutive regular meetings of the City Council fail or refuse to make any nomination provided by this Charter, the City Council shall proceed to nominate and elect said person by a 2/3 vote of all the members of the Council.

Section 3. This local law shall take effect immediately upon filing with the Secretary of State.

This local law will be automatically tabled for one month.

UNFINISHED BUSINESS:

Councilman Spitale reminded everyone that Saturday, March 22nd is the annual Easter Egg Hunt in Allen Park. The time is 10:00 A.M.

Councilman Szwejbka: Just a quick comment – Mr. Morgante has continually complained about street signs in the City and the lighting. I believe those are set by State standards and he says he can't see the street signs. There's nothing the City can do about it – he may want to get his vision checked, but again, those are set by State standards. I know he comes to every Public Safety meeting and complains he wants Mr. Lehman to look into the signs – the signs' color – that's something (I could be wrong) but I believe the State sets those standards. As far as the placement, I believe the State also has standards for that. I wish he would stay, but he seems to always have to get out of the door. Thank you.

Councilman Dolce: I want to thank the Council members for letting me sit in tonight. I believe we're off to a good start contrary to the comments that were made. It's not easy in particular when you have this many new members. They have to get their feet wet – we've got a lot of projects, a lot of things in the fire that we're working on and the committees are working hard and as far as specifically, the parking issues...there's another report from an agency that's out there – they're going to give a report on the parking situation sometime in the Spring. I know that the Public Safety Committee's working on that, so there's a lot of things that are in the works and we're only in the beginning of our third month here, so keep up the good work.

There being no further business, the meeting was adjourned.

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