

April 28, 2008

City Council

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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, April 28, 2008 at 7:30 p.m.

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

Others Present: Mayor Sam Teresi, Director of Financial Services/City Clerk James N. Olson, Corporation Counsel Marilyn Fiore-Nieves, Comptroller Joseph Bellitto, Director of Public Works Jeffrey Lehman, Deputy Fire Chief Lance Hedlund, Director of Development Steve Centi, Police Chief/Director of Public Safety Rex Rater, Executive Assistant to the Mayor Matt Hanley, Legislator Tina Hallquist, and Tim Porter, Council Intern

The City Clerk called the meeting to order.

Pastor William Blair of the New Creation Assembly of God gave the invocation.

Councilman Dolce motioned to approve the minutes from the March, 2008 meeting.

Councilman Taylor seconded the motion.

**MESSAGES FROM THE MAYOR**

200804A00.01a

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:

John Zabrodsky, III  
2 Timber Lane  
Jamestown, New York 14701

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

The term for which said appointment is to be made will expire December 31, 2011.

Dated: April 28, 2008

Samuel Teresi

April 28, 2008

Mayor of the City of Jamestown, New York

200804A00.01b

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:

Carl P. Pillittieri  
211 Connecticut Avenue  
Jamestown, New York 14701

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

The term for which said appointment is to be made will expire  
December 31, 2011.

Dated: April 28, 2008

Samuel Teresi  
Mayor of the City of Jamestown, New York

200804A00.01c

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:

Frederick A. Larson  
641 Lakeview Ave.  
Jamestown, New York 14701

to be appointed a member of the Board of Public Utilities in and for the City of Jamestown, New York to fill the un-expired term of Anthony F. Prinzi, Jr., resigned.

The term for which said appointment is to be made will expire  
December 31, 2009.

Dated: April 28, 2008

Samuel Teresi  
Mayor of the City of Jamestown, New York

April 28, 2008

200804A00.01d

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:

William S. Gullotti  
15 Euclid Avenue  
Jamestown, New York 14701

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

The term for which said appointment is to be made will expire  
December 31, 2009.

Dated: April 28, 2008

Samuel Teresi  
Mayor of the City of Jamestown, New York

200804A00.01e

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:

Samantha Ellis  
624 East Second Street  
Jamestown, New York 14701

to be appointed a member of the Jamestown Housing Authority in and for the City of Jamestown, New York to fill the un-expired term of Lori Cornell, resigned.

The term for which said appointment is to be made will expire  
September 30, 2009.

Dated: April 28, 2008

Samuel Teresi  
Mayor of the City of Jamestown, New York

April 28, 2008

200804A00.01f

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:

Tamie Seekings  
12 Buffalo Street  
Jamestown, New York 14701

to be appointed a youth member of the Youth Services Board of Directors in and for the City of Jamestown, New York.

The term for which said appointment is to be made will expire  
December 31, 2009.

Dated: April 28, 2008

Samuel Teresi  
Mayor of the City of Jamestown, New York

Councilman DeJoy moved to suspend the rules and vote on the appointments.

Councilman Taylor seconded the motion.

Carried: 9 ayes, 0 nays

Councilman Dolce moved to approve the appointments as read by the City Clerk.

Councilman Spitale seconded the motion.

Carried: 9 ayes, 0 nays

**OPPORTUNITIES FOR PERSONS TO ADDRESS THE COUNCIL**

200804A00.02

Peter Morgante, 134 Euclid Avenue: I attend most of your meetings and my biggest concern is taxes. Mr. Mayor, I might make a suggestion – don't take off too much time from City Hall. So many things happened while you were gone, you're not even up to date. Especially on this bonding issue. This is ridiculous. Let me tell you something. The only information I get is what I read in the newspapers, and I copy it down so I've got it for facts; I also hear it on the radio, but I don't keep track of those things. Somehow you people all talk to the reporters and they put it in the paper, and that's how we, the public, learn what's going on. Well, you new members on Council all promised to do things for the people and what they wanted to do if you were elected. I can remember many of you people telling me that. I said at the last March 17<sup>th</sup>, at the last voting session, I said City Council has to stop being controlled by the DJDC and the Strategic Planning & Partnerships Commission and do things on their own because you're doing

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the exact same things that those people did the past four years they were in City Council. Councilman Dolce says we are right on track and we are only beginning. March the 24<sup>th</sup> Mr. Rabb said as a member of the Strategic Planning & Partnership Commission, we're going to have a lot more hearings on the BPU plant. Why? April 24<sup>th</sup>, DJDC calls me the step chair jockey. I guess Mr. Harkness finally turned on his hearing aid and he paid attention to something I've been saying. Now who are these people on the Strategic Planning & Partnership Commission, on the DJDC who keep running our City Council and informing you people? We've never seen any appointments being made. We know that the Charter was made back in...and I've got the Charter, by the way...was made years ago. We don't know who's on it today. Now, you brought up an issue tonight about the BPU Director has to be a resident of the City of Jamestown. Well how about the people on the Downtown Development Corporation, the people in the Strategic Planning & Partnership Commission who are not residents of the City of Jamestown? And yet, they handle federal funds and a lot of city services and they demand a lot and they cost us a lot of money. Mr. Mayor, the Council was supposed to meet on April the 7<sup>th</sup>. Nobody was there. I said whose running the City? Everybody's gone. Went back to the 14<sup>th</sup>, the Council was supposed to debate the 4.5 million dollar capital plan that you had proposed in the paper. I attended the Finance Committee meeting that night – I was at the Safety Committee meeting that night and the Work Session – nobody brought the issue up, they were not allowed to talk though, because there was nobody there to give them any answers. And this was a week ago. Now you expect the Council to vote on this proposal, to re-tax the people with a new bond without any hearing. I don't know how The Post-Journal gets all your remarks when you've been gone a week and the dumbest thing is Mr. DeJoy says "we've got to buy those trucks in case they need them." In case they need them. Suppose they don't need them – what are you going to do with those trucks? Why do we got to buy reserve fire trucks when we don't have that many buildings in order to use them? I asked a few questions and made a few comments, and I said "why are we bonding for the trucks and the equipment that should be part of the budget of 2009?" Especially the fire equipment and then we've got to pay for the gas that goes in the truck...you brought that up, and we're going to end up paying for that in 17 years of financing? We've already got three old bonds. You had one in '99, '81, '86 – we still haven't paid those off, and now we're going to get a new one for 2009. All we do is spend and then tax, and bonding is taxing – I don't care how you look at it. We've always had trouble...you always go back to the past administrations who didn't know how to budget money...well, you people are doing just as bad. Now has anybody on City Council offered anything to change anything? Consolidation of services. Mr. Spitale – you are a member of the DPW Board. Have you got any ideas how we could improve or cut the budget of that department? Maybe to farm out some of the work or have private people do it – a consolidation of things? Mrs. Ecklund – you know the issues of the fire department. Any chance of doing things over there? All we hear about the Fire Department it's the overtime.

Council President Rabb: Excuse me Mr. Morgante – I have to interrupt you. I've been advised that you have been speaking for five minutes – we need to move on.

Mr. Morgante: Well, you gave the Mayor a half an hour.

Council President Rabb: Well, we need to move on. Thank you.

200804A00.03

John Berg, 203 Charlotte Avenue: I probably kind of have a simple mind compared to some of you people, but I read the paper and that's about where I get my information from. One of my points – this bonding issue which I don't agree with, a lot of the equipment on there is supposedly replacing equipment that has lasted under 17 years. We're going to bond for 17 years on equipment that supposedly a lot of this equipment isn't even going to last 17 years. Now I don't buy a vehicle and go plan on buying a new vehicle before I pay for the old one. As far as equipment goes, the fact is – a lot of equipment can be fixed a lot cheaper than buying new

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equipment depreciating the cost of new equipment. There's used equipment, there's companies going out of business all the time that have bought equipment that's a year old that can be replaced. The fact is, is that we as government apparently don't look at how private business operates and how they show profits and don't just take in money. They actually have to succeed in their finances unlike government. This is ridiculous that we keep spending and spending and spending and there's no answer. No one has to account for this spending. It's very likely also, and I'm not an expert economist, but the way the economy looks like it's going, it looks like in a year or two, we'll be much better off buying this equipment that we supposedly need than right now. If anything, interest rates are going to go down. The aggressiveness of the companies that we're buying this equipment from is going to go up and the equipment is going to be a better deal maybe in a year or two, but not now. You don't buy a product when products are dropping and you're going to get more of a value for your money in the relatively near future in one or two years. This is not the time to be spending all this money. And there's no reason why you have to make a shopping list that looks like a child was looking through a catalog on equipment purchases. I mean, I see one thing after another – unique equipment – that possibly could be leased or something else or that could be used or done with another piece of equipment. But this looked like a shopping list when I saw this equipment list. It looked like you just picked and chose here and there – this spending has just got to stop in this town. The people can't afford it – the people don't want it. I don't care what you people think or where your paycheck's coming from, but I'll tell you what – most people that I've talked to are against this spending of this capital project with this 4.35 million. Most of the people I've talked to are against this, and I'm the working class and I pay all your wages for any wages that come from the City and I'm tired of it and I know a lot of other people are. I hope that you can look at a purchase and really decide you need it and really decide that this is the best time to purchase it. Thank you.

200804A00.04

Franklin Trusso, 1033 N. Main Street: I'm quoting right now. I read this piece in the paper – it was March, 30<sup>th</sup>, 2008. Stan Lundine asked something in the paper, "Chautauqua County population has dropped about 100-135,000 the size of a small city by most standards. But to the government the cities we support though...we support 27 towns, 15 villages, 2 cities and 18 school districts. We pay a big price for all of that government. And the City of Rochester, 208,000 already – so that's...they manage to function quite well with only one government and one school district. Why can't we do that here? Eventually, I think, down the line, we're going to have to do it. This capital project has got a lot of good things about it, but I don't think we can afford it. Not now. Not the way things are here. The economy is going south. You've got high gas prices, people are struggling to pay for their bills, the housing, your health care, the schools, your taxes are high. How could can you bring somebody to Jamestown when your school taxes are going out of sight and the taxes are going up? I think somebody...I don't know what word to use...but I think we've got to start thinking about consolidation. I know it's going to be hard to sell to the surrounding areas, but eventually it's going to have to come because I don't think Jamestown and Dunkirk and some of the other places 25 years from now – they won't be here. In a year it's going to have to be all together or we're just not going to be here. We'll be bankrupt. So I hope down the line that we can all work together. I think that's what we're going to have to do if you want to survive. Thank you.

200804A00.05

Todd Trantum representing the Manufacturers Association of Southern Tier, 512 Falconer Street, Jamestown, also a resident of 345 Crossman Street: Two topics I'd like to address and actually I think you addressed a lot of them already this evening, but I would like to have the Organization on record regarding the BPU Board Appointees. The BPU Carbon Sequestration Project and the technology involved is a once in a generation opportunity for this community.

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This is a project that has not only profound implications, but also significant global implications to our community and in our world. I want to thank the Mayor and the Council for your continued efforts to support this important project. Certainly now, more than ever, the BPU needs strong leadership and continuity and I think you made a decision tonight to help maintain that strong leadership and continuity by re-appointing John Zabrodsky, Carl Pillitteri and Bill Gullotti and on behalf of the Association, I want to thank you for continuing their presence on the BPU Board.

The second topic I wanted to address is Local Law No. 1. You all received communication from us regarding this this afternoon indicating our concern about this Law based on two reasons: We had concerns about lack of open public process in terms of discussing this change in the Charter and secondly, there is a lack of clarity on the reason for making the change. I know you spent a lot of time in the session prior to this answering our questions and we greatly appreciate that and opposed to reading our questions into the record, I'll just give them to Jim to include in the record; but there are three points I would like to make in follow up to the earlier session.

1. We really feel strongly that there needs to be more public process and open discussion regarding this change to the Charter; and
2. It's clear that there needs to be some more interaction and input from the BPU and I think fundamentally, under blindness and this is probably not anything we'll ever resolve, but I think there's some ideological differences of opinion in terms of the role of the City and the role of BPU and we have for a long time taken the position of the importance of the BPU maintaining its autonomy It has worked effectively - let's not mess with something that is doing its job and working effectively in helping support our local and regional economy. We need to continue to maintain a separation between the two, between the City and the BPU.

So, at this point, what we're asking for is more public discourse and input on Local Law No. 1. Thank you for your time and I thank you for your time prior to this session in answering the questions.

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Dear Council Member:

We are contacting you concerning the proposed change to the City Charter, Local Law No. 1 of 2008. We are greatly concerned with this proposed change to the City Charter. We are concerned about the lack of open public process pertaining to this Charter change and secondly we question the purpose of making the change. The Manufacturers Association has long been a proponent of maintaining BPU autonomy to the extent allowable under municipal law. The reason is very simple, the BPU has been effective. In fact the BPU has been asked over the years, to take over certain City government operations because the BPU could manage them more effectively. The position of the Manufacturers Association remains, that City government should not position itself to manage nor interfere in the operations of the BPU. Local Law No. 1 appears to create a dynamic where City government creates one more means of controlling the BPU. History has shown the BPU to be an effective organization, instrumental to our local economy and capable of operating efficiently without direct City government intervention.

We strongly encourage you to not take action on this law. Secondly we are seeking the answers to several important questions:

1. What open session or public discussion has occurred with this resolution since it was brought up and tabled at the March 17<sup>th</sup> council voting session?
2. Why has there been no open discussion on this change?
3. Why hasn't a public hearing been facilitated regarding this issue?
4. Why was the DPW Director position removed from this section of the Charter several years ago and why is the position now being added again?

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5. What are the reasons that justify adding the BPU General Manager as an appointed officer for the first time in the 85 year history of the Charter?
6. Why is the BPU General Manager listed as an "add" under section C-6, but listed generally as an "exempt" under section C-8?
7. If you are adding the BPU General Manager as an approved officer of the City in one section but then exempting the same person from being a mayoral nominee in the following section, then why is this local law change really being made?
8. On another related issue, if the change is being made to enact a residency requirement, can the City legally make this change at the municipal level, or is a State law change required?
9. Have the board members of the BPU been involved in this process?
10. How have the board members of the BPU been made a part of this discussion?
11. Have the board members of the BPU shown support for this change by approving a resolution?

Thank you for your time.

Sincerely,

David Dawson  
MAST President

200804A00.06

Lillian Ney, 88 Gordon Street: The first thing...I've never been on this side of the microphone...but the first thing I want to say is thank you all for serving as City Council members. I thank you on behalf of the community and just want you to know that those of us who have sat in the seats recognize the commitment and the time and the courage that you have, so thanks for that. I wanted to talk about Local Law No. 1 as well. I was a member of the BPU for eight years having been appointed by Mayor Sam Teresi and when I started working at the BPU as a board member, the only electricity I had ever heard about, Sam's heard this story before, is the electrical conduction system of the human heart. But I studied a lot and learned a lot and found in those eight years, an extremely dedicated, hard working Board. The time and the effort and the commitment and the dedication of the Board members were really impressive. It's one of the two hardest working boards that I've been on – and I've been on about a million boards in my life – and it's very recognizable that they really are able to spend a great deal of time and commitment. It's a very specialized board as you can imagine and I think the management is also very specialized so it's kind of a unique place. The other thing I wanted to talk about is in my experience of heading up something called the Charter Advisory Committee early in my Council days, I had gone to the new officers "in service" in Albany that they give for new public officers and I noticed that a lot of folks were revising their Charter and it seemed as though a lot of them were fairly progressive cities so it seemed like kind of a nice thought to bring back and our City Council approved the concept and we had a Charter Advisory Committee. The Mayor appointed half the folks as mayoral appointments and the City Council President appointed the other half. And, so this committee met for over a year and a half and worked very, very hard and the sub-committee, three of us are here tonight, Jim and Marilyn and myself and Shirley – we worked every week for three or four hours at a time to review the Charter and make specific recommendations to City Council. What we did not do is do anything with the BPU. It was felt to be an enormous undertaking; it was felt to be a very emotional issue and we didn't think the substantive changes in the Charter, in the basic Charter from 1923, we felt that they were important enough not to get bogged down by a very large analysis of the BPU. But we always said at that time, it should be done. The language should be updated – whatever needed to be done. I guess the point I'm trying to make is it took us a year and a half to really understand what one part of the Charter change did to another part of the Charter. I just wanted...based on that experience...just pass on my suggestion that making a change in the Charter such as it affects the BPU as is recommended in this Local Law. I honestly think it would be not a bad idea, in fact a good idea, to try to look at the BPU as a whole entity and to see what one change would do

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elsewhere. I do know one piece in the Charter, and I forget what section it is, says that if the Mayor does not appoint an appointed officer or give an appointed officer, that in two subsequent meetings, the City Council has the ability to do the appointment. Now as far as the BPU is concerned, you can see where this semi-autonomous Board, I guess, for the sense that appointments are made by the Mayor, that has existed since 1923 and the BPU has been existing for 115 years or so...I just think you have to look at it in a very integrated way. It's very hard to take one piece and not see the domino affect. I guess I would say basically, I think it takes a real studied analysis and I haven't done that analysis, but I would recommend it if changes are going to be made. Thank you.

200804A00.07

John Calamunci, 17 Chapel Street: I guess I'm kind of nervous here. Also, once again Sam, I want to just commend you on some great appointments to the BPU Board. I worked with all these gentlemen and they work very hard. They take their jobs very seriously and I can rest assured knowing that the people on that Board work very hard for this community. I also want to say hello to everybody that I've worked with in the past and all the new ones – I also thank you for the time and effort. From what I hear, everyone's doing a great job and I'm happy for all of you. What I'm here for is also the Local Law No. 1 for 2008. I guess my feeling is that it came very quickly. I think you just need to step back and once again like Lillian did say, take a look at the domino affect. What are we trying to accomplish here? I think everything that you do has an effect and I just hope that there's a number of questions that I have about this and I hope that everybody on the Board can answer those questions, because if you can't, I think you really have to look inside yourself and make sure that you're voting on something that you have your arms around. That's all I ask of everybody to do. Make sure you've done all your work and make sure, whether you're for or against this, make sure you have the answers to the questions because these are things that we need to have a lot of time...and patience and make sure it's written and done correctly. There are a lot of things on your plate – I know that. I know everything matters. Everything does matter. But on a scale – this is not going to effect the quality of life of my family so take the time and do it right. Go out and improve the quality of life form my family. Lower my taxes. Improve the infrastructure. Do the things that really matter what the people of this community really need. Thank you.

200804A00.08

Tina Hallquist, 22 Stafford Street: Just two quick things. First of all thank you everybody and all of the men and the two or three women that worked in all kinds of weather conditions to clean up the Winsor Street Building. That looks absolutely phenomenal. It's just gorgeous to go by every day now and see that nice, neat clearing and all that debris and garbage put away, so thank you very much for working hard and I appreciate all that and so do the people in our district. The second thing is, I'm kind of in a little bit of a pickle because I've listened to Mr. Lehman ask for equipment for years and at the same time, I'm kind of hesitant about getting the extra bonds and the 4 million dollars...yes, I agree that we desperately need the equipment; I'm kind of nervous about it. I would like to see maybe some re-evaluations, some reconsiderations, maybe a little bit more time if allotted to to look for a couple better deals. Maybe we don't need every single piece that's on that list, or maybe there's a few other pieces out there that we could get used. I know in the past they've looked at used engines and repairs and different things, but looking at my neighborhood, and looking at my part of the City, I'm still kind of nervous about going into a little bit more debt. So, that's just a comment. I put my City in your hands and I'm sure you're capable, but it's just my one little issue. But thanks again for cleaning up Winsor.

200804A00.09

Josh Price, 3065 Fluvanna-Townline Rd.: I'm here tonight with several members

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of my class at JCC – the Environmental Issues and Ethics class, and even though it's not on the Agenda for the evening, I am here to talk about the proposed power plant. I only hope that you guys will take it into future consideration when you do finally discuss it. I'm aware of the carbon sequestration project and it's basically a gamble with the community basically because we do not know what the long-term environmental and economic impacts will be of it. But my real concern with the plant is the feasibility of coal. Economically, the future of it is not looking very bright, nor is it for most fossil fuels. It's probably the most sustainable at the moment, but in the future when prices go up and the City has to pay more to transport it and just literally purchase the coal, it comes into question of how long is the plant feasible for the City of Jamestown? We have a perfect example of the gas turbine that when gas prices went through the roof, we could no longer afford to run it. So why put money, time and effort into building a power plant that is, yes, better than the one we have but in the long term – how long will it be better than the one we have. That's my main concern and I hope you guys will think about it when you guys finally come to a genre that discusses it. Thank you.

200804A00.10

Bliss Hotchkins, 304 E. Elmwood Ave., Falconer: I also have a few concerns about the new power plant. While I understand how attractive the CO2 sequestration is, you know, we can continue on coal like we have been but not have the same impact on the environment by putting it underground. I'm very worried about having my hometown basically being an experiment for this. As you know, it's never been done on such a large scale. We're not sure what the impact of this will be. Also, to me, it just doesn't make much sense to invest 145 million dollars in another coal plant. The rest of the country, and even New York State has been a leader in going towards newer renewable fuel like wind power or biomass. As we all know, western New York is very windy here. This is a prime location for wind power and from my research, albeit a little bit surface – I haven't done too much deeply, but wind power in western New York can be generated at .07 kwh whereas the proposed power plant is \$.11 to \$.12 per hour. So it seems like it's going to be a more expensive option and you know coal – yes it's here now – but later when it gets more expensive 20, 30, 40 years down the line, where are we going to get it from? We're going to be paying more whereas winds – we're always going to have wind. I just wanted to say that. I really don't think it's the best option for Jamestown. Thank you.

200804A00.11

Becky Nystrom, 93 Beech Street: I'm also a biologist. I've been a biologist at JCC for 25 years. I am a citizen and a member of this community pretty much my entire life and I do also thank all of you for serving in our City leadership. I am here because I am also very concerned about the power plant and our City's future, and just to give you a little bit of perspective where I come from...I've been teaching students like Bliss and Josh for many, many years. I've been teaching and learning about global climate change since the early 1990's. I've been to the Arctic three times very recently in the last seven, eight years and I have seen the massive ice melts. I've seen the changes in the local people there. I, as a biologist, have studied our local changes that are very much apparent to science. I have been paying close attention to international scientific panels that across the world are telling us that we need to do things differently – that coal and oil and gas and fossil fuels in general have got to stop being our main energy source. I am concerned, also because I work with young people like you just heard, whose futures depend on really far-reaching decisions now and I am concerned that there isn't enough information out there in general, and specifically here within our local community, about the potential impacts of global climate change and our part in that if we continue to rely on coal. Again, I'm very concerned about these things and I also look forward to when this power plant issue does go back on the agenda, I have lots of questions about whether we're going to do another SCIS concerning the sequestration aspect of the plant which, of course, was only a tentative thought when the first one went through, so those questions are going to remain. But

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having said all that, I also wanted to recognize that recently at JCC, we had a program on global climate change and there were two council people that came to our program. It was about our energy futures and I wanted to publicly applaud George Spitale who is also my neighbor, for coming to that program. Greg Rabb also came to that program and I was so thrilled for our students and for our community that council people came to hear energy conservation as another kind of alternative, and I applaud George for staying the whole time and asking questions of our speaker. I was disappointed that Greg could not do that. But tonight I'm here asking the Council, and really Mayor Teresi and the BPU Board because I'm still trying to figure out that power relationship also between the Council and the BPU Board, not to mention the Strategic Planning Commission – I'm still trying to figure all that out too. I'm asking you to please consider allowing our community to have and participate in a much more effective and visible energy conservation initiative demand side management which we are not doing. I am just appalled when I teach about conservation and how much sense it makes economically and environmentally that we don't even participate in the NYSERDA programs that would give our citizens and our community rebates and incentives for energy conservation. My husband and I are looking at solar panels on our roof and yet, because I live in Jamestown, we are not going to qualify for NYSERDA rebates which could mean thousands of dollars of refund for doing these energy alternative kind of approaches. I just don't understand it and I'm asking that we change the way we do things so we can at least emphasize more conservation demand side management with or without the coal plant, which of course is a whole another story. I would just like to say that I am thrilled that we use 75, 80% of our power from hydropower – that is clean. Coal is very dirty. But we could...wherever that goes, we could do much more for conservation and if we really mean it – that we care about the environment and the future, it's time and I just ask the Council, please make conservation, energy efficiency, demand side management, a much higher priority. Make it visible and let us buy in to NYSERDA incentives so that we can have those benefits. Thank you.

200804A00.12

Dr. Gayle Grossman, 107 Hunter Street: Along with Becky and Bliss and Josh, I represent the JCC Environmental Ethics Issues class. I want to thank you for the service that you bring to us in the community today. I'd also like to point out that Bliss and Josh and the other young people who you may not hear speaking about these sorts of issues – issues they spoke of today for our future. When they speak of concerns for the long term effects, they're not just speaking for the concerns for their children, or for themselves, because hopefully in a decade or two or more, they'll be the people up here. They'll be the people speaking and leading not just this City, but other places. I applaud everyone's efforts and everyone's thoughts on these issues, whether they're the current issues in front of the Board, the issues of the power plant, the issues of BPU, and so on. But I do ask that you think of their words and what they are bringing to the table, because they are our future and when they're concerned enough to come and speak at a public event like this, when they're concerned enough to come to speak at public sessions of a meeting like this, it says something. It says more, you know, someone like myself or someone else who has been a resident in the City for awhile, or we've lived in the area for decades, say something. It says a great deal when someone who's under 30 does. Thank you.

President Rabb: Thank you. I especially want to thank Becky and Gayle for encouraging our students, since we're all connected with the College, to come here. Josh is in training to be a council member in my State and Local Government class, so maybe someday when he lives in the City, he'll be sitting in my chair. Does anybody else wish to address the Council?

200804A00.13

Peter Morgante, 134 Euclid Ave.: I think I have a half a minute.

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President Rabb: Is it going to be a quick comment, sir? We've got a lot of business to take care of.

Peter Morgante: It's good to see the public here coming in here and questioning you on your agendas. Finally, we're getting people who come out in concern. We don't see that from council members. Now, Mr. Rabb, I wanted to remind you, that last Monday night, there was no discussion on the bond issue anytime of the meetings. So how can you vote on something with no answers for the public? Nobody was there to give you answers, and you says there's no use to even discuss it, and now you expect the people to vote on it. That's all.

President Rabb: Let me just correct you and say I never said there was no use in discussing it.

Councilman Dolce: Michael and I are sitting here kind of shocked, shaking our heads because we discussed it at length. We also discussed adding to it, we discussed the implications of it, we had a lengthy, detailed discussion and analysis from our City Comptroller, Joe Bellitto, Jeff Lehman was there to discuss it with us; I don't know what meeting you were at, but it was discussed at length in the Finance Committee that you attended that I chaired that evening, and we had a 25 minute dialogue about the reasons and the rationale behind it.

Councilwoman Ecklund: ...and we actually asked Joe to go get some more paperwork to provide to people, which he did, so...

Councilman Dolce: Just for the record. Thank you.

President Rabb: Do you want to say something Mr. Taylor?

Councilman Taylor: No, Councilman Dolce pretty much covered it.

President Rabb: Thank you. Anyone else who wanted to address the Council? Were there any petitions or communications Mr. Olson?

Mr. Olson: No, other than what Mr. Tranum asked to put into the record.

## **STANDING COMMITTEES**

### **FINANCE COMMITTEE**

200804A01

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 \$6,270,959.88 in accordance with the period ending April 28, 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 \$4,483,735.93 and payrolls in the total amount \$1,787,223.95 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

BY COUNCILMAN DeJOY:

**BOND RESOLUTION, DATED April 28, 2008 AUTHORIZING THE ISSUANCE OF UP TO \$4,350,000 AGGREGATE PRINCIPAL AMOUNT SERIAL BONDS OF THE CITY OF JAMESTOWN, NEW YORK, PURSUANT TO THE LOCAL FINANCE LAW, TO FINANCE THE COST OF THE ACQUISITION, CONSTRUCTION, AND RECONSTRUCTION OF VARIOUS PURPOSES FOR THE CITY.**

**WHEREAS**, the City Council of the City of Jamestown (the "City Council" and the "City", respectively), hereby determines that it is in the public interest of the City to authorize the financing of the cost of (i) the acquisition of machinery and apparatus for construction and maintenance (\$2,102,330), (ii) the acquisition of a municipal building elevator (\$225,176), (iii) the acquisition, construction and reconstruction of improvements to city buildings and parking facilities (\$1,510,729), (iv) the acquisition, construction and reconstruction of improvements to the Chadakoin Park storm sewer system (\$153,529), and (v) the acquisition of a fire fighting vehicle (\$358,236), including any preliminary and incidental costs related thereto, and

**WHEREAS**, the City Council 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, STATE OF NEW YORK** as follows:

Section 1. There is hereby authorized to be issued serial bonds of the City of Jamestown, New York, in the aggregate principal amount of up to \$4,350,000 pursuant to the Local Finance Law, in order to finance the specific object or purpose or class of object or purpose, hereinafter described.

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 purposes, 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:

(a) The acquisition of machinery and apparatus for construction and maintenance for the City, including (i) a parks sky worker (\$153,529), (ii) five dump trucks (\$818,824), (iii) a parks loader (\$112,588), (iv) a loader (\$122,824), (v) two trackless all purpose plows (\$174,000), (vi) an equipment hoist (\$71,647), (vii) a backhoe (\$89,047), (viii) a truck (\$160,694), (ix) a sweeper (\$194,471), and (x) a rubber tire excavator (\$204,706), or similar items of machinery and apparatus for construction and maintenance, and including any preliminary and incidental costs related thereto, at a total estimated maximum cost of \$2,102,330 for which \$2,102,330 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;

(b) The acquisition of a municipal building elevator for the City, including any preliminary and incidental costs related thereto, at a total estimated maximum cost of \$225,176 for which \$225,176 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 13 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;

(c) The acquisition, construction and reconstruction of improvements to city buildings and parking facilities including municipal building asbestos removal (\$102,353), the improvement and replacement of municipal building windows (\$102,353), the reconstruction and improvement of the Park's Department building roof (\$77,788), the reconstruction of improvements to Tracy Plaza (\$204,706) and the reconstruction of improvements to the Spring Street Parking Ramp (\$1,023,529), including the acquisition of any applicable equipment, machinery, apparatus, land or rights-in-land necessary therefore and any preliminary and incidental costs related thereto, at a total estimated maximum cost of \$1,510,729 for which \$1,510,729 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 twenty-five (25) years pursuant to subdivision 12(a)(1) of paragraph a of Section 11.00 of the Local Finance Law (such building being of "Class A" construction as that term is defined in Section 11.00 of the Local Finance Law). Such serial bonds shall have a maximum maturity of twenty-five (25) 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; and

(d) The acquisition, construction and reconstruction of improvements to the Chadakoin Park storm sewer system for the City, including the acquisition of any applicable equipment, machinery, apparatus, land or rights-in-land necessary therefore and any preliminary and incidental costs related thereto, at a total estimated maximum cost of \$153,529 for which \$153,529 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 forty (40) years pursuant to subdivision 4 of paragraph a of Section 11.00 of the Local Finance Law. Such serial bonds shall have a maximum maturity of forty (40) 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; and

(e) The acquisition of a fire fighting vehicle for the City, including any preliminary and incidental costs related thereto, at a total estimated maximum cost of \$358,236 for which \$358,236 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 twenty (20) years pursuant to subdivision 27 of paragraph a of Section 11 of the Local Finance Law. Such serial bonds shall have a maximum maturity of twenty (20) 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; and

Section 3. The City Council has ascertained and hereby states that (a) the estimated maximum cost of the Project is \$4,850,000, (b) no money has heretofore been authorized to be applied to the payment of the costs of the Project, (c) the City Council plans to finance the costs of the Project from (i) the proceeds of the serial bonds or bond anticipation notes issued in anticipation of such serial bonds authorized herein and (ii) \$500,000 in moneys from non-borrowed third party sources, (d) on or before the expenditure of moneys to pay for any item within the class of object or purpose set forth herein for which proceeds of obligations authorized herein are to be applied to reimburse the City, the City Council took "official action" for federal income tax purposes to authorize capital financing of such item; and (e) the maturity of the obligations authorized herein will be in excess of five (5) years.

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 serial bonds and bond anticipation notes in anticipation of the issuance of such serial bonds authorized herein and the renewal of such bond anticipation notes and the power to prescribe the terms, form and contents of such serial bonds and such bond anticipation notes issued in anticipation of such serial bonds, including renewals thereof, and the power to issue, sell and deliver such serial bonds and such bond anticipation notes, including renewals thereof, is hereby delegated to the City's Director of Financial Services/City Clerk, as chief fiscal officer of the City (the "Director of Financial Services/City Clerk"). The Director of Financial Services/City Clerk is hereby

authorized to execute, by manual or facsimile signature, on behalf of the City, all serial bonds issued pursuant to this bond resolution and all bond anticipation notes, including renewals thereof, issued in anticipation of the issuance of such serial bonds, and the Director of Financial Services/City Clerk of the City is hereby authorized to affix the seal (or have imprinted a facsimile thereto) of the City to or on all such serial bonds and all such bond anticipation notes, including renewals thereof, 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 Director of Financial Services/City Clerk.

Section 5. The faith and credit of the City are 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 Director of Financial Services/City Clerk of the City shall cause the same, or a summary thereof, 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 such serial bonds authorized by this bond resolution 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 have been complied with as of the date of the 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. The City intends to issue the obligations authorized by this bond resolution to finance the costs of the Project. The City covenants for the benefit of the holders of such obligations authorized herein 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 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 any objects or purpose 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 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 such 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 the serial bonds and any bond anticipation notes issued in anticipation of the issuance of such serial bonds may be applied to reimburse expenditures or commitments made for such purposes on or after a date which is not more than sixty (60) days prior to the adoption date of this bond resolution. The City may expend general funds or other available moneys for the Project which shall be reimbursed from the proceeds of such obligations.

Section 8. Prior to the issuance of obligations authorized by this bond resolution, the City Council of the City shall comply with all relevant 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 obligations authorized to be issued herein upon the advice of bond counsel. It is hereby determined by the City Council of the City that the Project will not have significant impact or effect on the environment.

Section 9. For the benefit of the holders and beneficial owners from time to time of the

serial bonds or bond anticipation notes issued in anticipation of such serial bonds authorized pursuant to this bond resolution, 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 to implement that agreement, including provisions for enforcement, amendment and termination, the Director of Financial Services/City Clerk is 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 Director of Financial Services/City Clerk, which shall constitute the continuing disclosure agreement made by the City for the benefit of holders and beneficial owners of the 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 Director of Financial Services/City Clerk 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 Director of Financial Services/City Clerk 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 Director of Financial Services/City Clerk shall consult with, as appropriate, the Corporation Counsel of the City and bond counsel or other qualified independent special counsel to the City. The Director of Financial Services/City Clerk acting in the name and on behalf of the City, 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 shall take effect immediately upon its adoption by the City Council of the City.

Councilman DeJoy: Mr. President, if I may, I'd like to make just a few comments on this resolution. I'd like to thank the public for all of their input regarding this bonding proposal. We appreciate your comments and we do listen, and take advice on them. I'd just like to say that this bonding proposal before the Council tonight submitted by the Mayor and his administration is one that is well thought out in its analysis and plans for future management of equipment and city assets and clearly addresses the following three elements:

- Much of the City's DPW and Parks equipment has deteriorated with a longer than reasonable and prudent length of service, and now it's to the point where it's costing taxpayers a great deal of money and effort every year in repair costs and lost time and productivity from our most important asset – our workers that need to have equipment that not only works, but is safe enough for them to operate. In fact, the City spent \$225,000 last year in repairs for this equipment that this bonding proposal will replace. There were over 1,200 breakdowns last year for the equipment to be replaced which resulted in significant loss, productivity waiting for repairs to occur. Our City workers want nothing more than to be able to give our citizens and taxpayers the best and most productive effort to make our roads drivable and keep our infrastructure in the best shape possible. The yearly bond payments are less than what it would actually cost the City to keep this outdated equipment running.

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- The proposed seven capital equipment projects are absolutely necessary and is not an inclusive list of all our infrastructure needs. However, these projects do represent those that have very high priority, especially those that involve our nearly 40 year old City Hall, storm sewer project which affects nearly the entire north side of Jamestown; the Spring Street Ramp which has stood the test of time and the elements only because those that came before us here on this Council and the administration have chosen to properly maintain this very important parking structure.
- The City of Jamestown is now able to go forward with these projects in part due to stronger financial position that both the Mayor and prior City Councils have steered Jamestown towards in the last eight years.

This proposal will not add significant additional debt to our budget as suggested, and the debt service payment will be, in fact, reduced in the year 2011 and beyond what we're currently paying. Additionally, we will be in a position to manage our equipment assets with a plan to keep certain pieces of equipment for shorter periods of time and turn it over when the conditions are appropriate. This will insure that the City of Jamestown will not find itself in the position it is today with equipment that is broken down, unsafe and long past it's useful life. Those that feel that Jamestown shouldn't bond for these projects and equipment with the hope that by not investing in our equipment and these vital assets, could somehow lower property taxes, are misguided. When any municipality, private corporation or company, or individual homeowner allows their most vital assets to deteriorate to the point where they cannot provide the utility necessary for its fundamental function, then you have signaled that you are merely preparing for its demise. I, for one, am confident in the future of Jamestown and I will not bury my head in the sand hoping that we can get by without investing properly for our future. This bonding proposal is forward-looking, financially sound, and absolutely necessary and I urge all of my colleagues to vote in favor of this proposal tonight. Thank you Mr. President.

President Rabb: Thank you. Any other questions, comments or discussion?

Councilman Dolce: Thank you Mr. President. I just want to echo the sentiments of Councilman DeJoy. He said pretty much everything and one of the things he did say was thanking the previous councils and as someone who worked with and served with many councils and two of our former council people are here, there were many years where we sat around the table during budget time and wished that we could replace a great deal of this aging equipment and we weren't able to do that. We're now at a point where we can replace, and this is just the tip of the iceberg, of the needs that we have in this City. One thing you have to understand is that government is a service-oriented industry and we have to be able to provide that service. This is an issue, not only of just providing a service, but for the public safety in this community. As Councilman DeJoy said, over \$225,000 has been spent on these pieces of equipment, and many of them – I'm looking at the list – range in age anywhere from 11 years to over 23 years of age. Most of them are somewhere in the upper teens to low twenties. So even if these pieces of equipment were kept for that long, the vast majority of them would still be around at the end of the bond and under this plan, we plan to get on a system where we rotate these and are able to replace them in a more timely fashion. And, as I said, for someone who's been around for longer than anyone on the Council, I've sat there through 13 budgets and watched as Jeff Lehman shook his head in disbelief that some of the pieces of equipment and the money that we've wasted over the years because we couldn't replace them.

In regards to some of the other comments about trying to consolidate our shared services, we are already doing that. We've do it with the BPU, we've done it with the County. We're going

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to continue – I'm sure that the Mayor would agree with this – that he will continue to look at ways to downsize and to consolidate where we can and outsource when we can. I remember the previous administration looking at out-sourcing some of these services, and we found out that it isn't always a cost savings; there are other things that you have to look at when you are going to get out of a business, so to speak, and out-source it. So, I too, encourage everyone to support this – it's the first time in a long time we've been able to take this chunk, this piece and really make a significant dent in some of the capital needs. Also, on the bonding as well, we're in a position now where in a very short time, we have a lot of bonds coming off and to make it kind of layman's terms, when you go out and have a home equity loan and you put on a roof and a few years later, you pay down that loan, and you need windows, or you need siding, or you need another major piece that you can't pay for out of your regular budget, you then have to go back out and re-up on that loan, and that's basically what we're doing now and it is forward-looking and progressive thinking for our community. Thank you.

President Rabb: Thank you. Any other comments, questions, discussion?

Carried: 9 ayes, 0 nays

200804A03

BY COUNCILMAN DeJOY:

RESOLVED, that Officer Scott Franzen be, and hereby is, authorized to attend the 2008 K-9 Re-Certification Training to be held in Cooperstown, NY from April 21<sup>st</sup> through April 25<sup>th</sup>, 2008 with expenses paid pursuant to the State of New York DCJS Operation Impact IV grant.

Carried: 9 ayes, 0 nays

200804A04

BY COUNCILMAN DeJOY:

RESOLVED, That Deputy Fire Chief Lance Hedlund be, and he hereby is, authorized to attend the International Hazardous Materials Conference to be held in Hunt Valley, Maryland on May 28-June 1, 2008, with expenses paid pursuant to Section 77-b of the General Municipal Law.

Note: Approximate cost will be \$350.00 that is included in the 2008 Training Budget.

Carried: 9 ayes, 0 nays

200804A05

BY COUNCILMAN DeJOY:

RESOLVED, That Sergeants Harry Snellings and Fred DeGolier be, and they hereby are, authorized to attend the SWAT Supervision Course in Oriskany, New York, August 11-15, 2008 with expenses paid by the New York State Tactical Officers Association through a grant from the

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US Department of Justice.

Carried: 9 ayes, 0 nays

200804A06

BY COUNCILMAN DOLCE:

RESOLVED, That Account Clerk-Typist Karen Davidson be, and she hereby is, authorized to attend the New York Association of Local Government Records Officers Annual Meeting to be held in Corning, New York on June 8-11, 2008, with expenses paid pursuant to Section 77-b of the General Municipal Law of the State of New York.

Carried: 9 ayes, 0 nays

200804A07

BY COUNCILMAN DOLCE:

RESOLVED, That the Mayor of the City of Jamestown be, and hereby is, authorized to enter into a School Tax collection agreement with the Board of Education of the Enlarged City School District of the City of Jamestown, New York for the July 1, 2008 to June 30, 2009 time period subject to the approval of the Corporation Counsel as to form.

Carried: 9 ayes, 0 nays

200804A08

BY COUNCILMAN DOLCE:

RESOLVED, That the Mayor be, and he hereby is, authorized to enter into a contract with H.H. Rauh Contracting Co., LLC/Kingsview Enterprises, Inc., 7 West First Street, P.O. Box 2, Lakewood, New York 14750 for Change Order #1 for the demolition of a block building adjacent to the former 133 Winsor Street in the amount of twenty thousand dollars (\$20,000.00).

Carried: 9 ayes, 0 nays

200804A09

BY COUNCILMAN DOLCE:

RESOLVED, that the offer of Cathy Ann Ratajczak, for the purchase of parcels 371.17-2-7 located on Buffalo Street, lot size 61x120 assessed value of one thousand one dollars (\$1,000.00), in the amount of fifty dollars (\$50.00), and be it further

RESOLVED, that the offer of Cathy Ann Ratajczak, for the purchase of parcels 371.17-2-8 located on Buffalo Street, lot size 48x120, assessed value of nine hundred dollars (\$900.00), in the amount of fifty dollars (\$50.00), be and hereby is accepted, now therefore be it further

RESOLVED, That the Mayor be, and he hereby is, authorized to execute a quit claim deed on said properties and the City Comptroller be and he hereby is authorized to credit the amount of fifty dollars (\$50.00), to Account A330, Property Acquired for Taxes and to charge-off the balance of seventy-eight dollars and eighty-two cents (\$78.82) to Account A1950 Taxes and Assessments for parcel 371.17-2-7, and credit the amount of fifty dollars (\$50.00), to Account A330, Property Acquired for Taxes, and to charge-off the balance of three hundred thirty-two

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dollars and sixty-two cents (\$332.62) to Account A1950 Taxes and Assessments for parcel 371.17-2-8.

Carried: 9 ayes, 0 nays

200804A10

BY COUNCILMAN DOLCE:

WHEREAS, the Legislature of the State of New York has declared it the public policy of the state to promote harmonious and cooperative personnel relations between public employers and public employees, and

WHEREAS, negotiations between the City of Jamestown and Jamestown City Administrative Association (JCAA) have resulted in a tentative agreement resolving both issues related to the Collective Bargaining Agreement as well as several labor-management issues, and

WHEREAS, the City of Jamestown and Jamestown City Administrative Association (JCAA) desire the wages, hours and working conditions of employment for the period January 1, 2007 and December 31, 2008, as contained in a tentative agreement, be established and set out in a written agreement between the parties, and

WHEREAS, the parties desire to enter into a letter of agreement settling the various labor-management issues, now therefore be it

RESOLVED, That the Mayor is hereby authorized to execute an agreement for the period commencing January 1, 2007 and ending December 31, 2008 between the City of Jamestown and Jamestown City Administrative Association (JCAA) on the terms and conditions contained in a tentative agreement, subject to the approval of the office of Corporation Counsel as to form.

Carried: 9 ayes, 0 nays

200804A11

BY COUNCILMAN DOLCE:

WHEREAS, the JCC five-year Capital Improvement Plan provides for needed updating, renovation, and preventative maintenance for college buildings and grounds, some of which are now thirty or more years old, and

WHEREAS, said plan includes the following projects:

- (1) Demolition of dilapidated housing;
- (2) Existing building upgrades;
- (3) New Science Building;
- (4) ARSC Third Floor renovations;
- (5) Purchase of North County Center;
- (6) Parking lot expansion (Cattaraugus Campus);
- (7) Library Learning Center upgrade (Cattaraugus Campus);
- (8) New Allegany County Center; and

WHEREAS, the JCC Regional Board of Trustees has approved the listed projects with a capital budget totaling \$24,000,000.00; and

WHEREAS, the State of New York has matching funds available for one-half of the cost of the projects, and JCC has sufficient funds for the local share 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 construction 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

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Capital Project Program for Jamestown Community College.

Councilman Dolce: As part of our sponsorship with Chautauqua County and Cattaraugus County, we have to approve any of their capital projects. This does not cost the City any money. It's just a procedural approval as one of the three sponsors.

Carried: 9 ayes, 0 nays

**PUBLIC WORKS**

200804A12

BY COUNCILMAN SPITALE:

RESOLVED, That the Mayor be, and he hereby is, authorized to enter into an agreement with Abate Associates, Engineers & Surveyors, P.C., 200 Harrison Street, PO Box 3008, Jamestown, NY 14702-3008 for engineering services for the investigation of repairs at the Spring Street Parking Ramp, per its proposal dated February 25, 2008, in the amount of \$22,375 plus material testing in the amount of \$8,860 for a total not-to-exceed price of Thirty-one Thousand Two Hundred Thirty-five Dollars (\$31,235.00).

Carried: 9 ayes, 0 nays

**PUBLIC SAFETY**

200804A13

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:

Jennifer McConnell  
Cathleen J. Barber

April 29, 2008 to April 28, 2010  
April 29, 2008 to April 28, 2010

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:

John C. Sixbey  
Sebastian J. Foti  
Linda Pearson

May 18, 2008 to May 17, 2010  
May 19, 2008 to May 18, 2010  
May 16, 2008 to May 15, 2010

Carried: 9 ayes, 0 nays

200804A14

BY COUNCILMAN SZWEJBKA:

RESOLVED, The Jamestown City Council hereby strongly supports the Department of Youth Services' March Against School Violence on Saturday, May 3, 2008, and who has collaborated with the Jamestown Public Schools, Cassadaga Job Corp., Jamestown Police Department, United Way and Senator Catherine Young's office, to bring awareness to the senseless crimes on your educational facilities.

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Councilman Whitford: I have one comment. For the public's information, this march will start at 10:00 A.M. here in Tracy Plaza. Registration is at 9:00 A.M., and we would be remiss if we didn't thank the Jamestown Police Department, Department of Youth Services, Catherine Young's office, the United Way and Cassadaga Job Corps for putting this all together and the public, the Council, everyone is invited. This is an important march and it brings attention to crime in schools.

Carried: 9 ayes, 0 nays

**SPECIAL COMMITTEES:**

Councilman Spitale: I would like to make an announcement that at Erlandson Park on May 3 at 10:00 A.M. there will be a Worker's Memorial. If anybody can make it, it's paying tribute to workers killed on the job. All workers, not just in Chautauqua County. We're going to have a dedication to Prof. Miller, a very supportive person in the labor movement and an educator and peacemaker in the community. I'd appreciate anybody that could show up. I realize there's another event going on at the same time.

200804A15

BY COUNCILMAN DOLCE:

**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:

**§ 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

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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.

Councilman Dolce: I just wanted to add that certainly there was a great deal of discussion upstairs earlier. There have been a lot of questions that have come forth from community members, from the Manufacturer's Association, and others. This was brought up last month and I personally, although I'm not opposed to the change in theory and I'm not opposed to a residency requirement, I believe at this time, that we should take the time. We've had this Charter in place for many, many years, and we could take the time to make sure that the public is well aware of this and any other interested person in the community, or group in the community, that has questions or concerns over this. So, I don't think it's something that needs to be acted on immediately, and I would feel more comfortable not having this passed tonight, and if in the future, people feel comfortable with this, the BPU Board and others, certainly I would feel a lot more comfortable with going ahead with it. So I will not be supporting this tonight. Thank you.

Councilwoman Ecklund: I want to echo Councilman Dolce's sentiments on there's been very little time for the public to communicate their desires. There was a little excerpt in today's paper, brief little mentions, and there are still some viable questions and a big question to me remains enforcement so I will not be supporting this issue at this point in time.

Councilman DeJoy: Mr. President, this local law was first introduced in a work session nearly six weeks ago. There has been ample opportunity for public input and discussion. It also has been vetted by General Code which has actually looked at this Charter change and had found that it doesn't actually change any powers – it just basically makes the two members officers – the DPW Director and BPU G.M., two members officers that are in charge of and oversee a great deal of the City assets and infrastructure and doesn't basically change any powers of appointment to that position. I think that we have discussed it and I see no reason why we shouldn't go forward with this tonight. In addition to that, there will be a Public Hearing, if it is passed tonight, on May 8<sup>th</sup> so that the public will have ample opportunity to chime in on this.

Councilwoman Ecklund: Can I just reiterate something for the record? It was, in fact, introduced – you're correct – March 10<sup>th</sup>, but it was introduced in an executive session, not in an open session, so I just want that on the record and clarified.

Carried: 6 ayes, 3 nays,  
(Szwejbka, Dolce, Ecklund)

Mr. Olson: The Public Hearing will be scheduled for May 8<sup>th</sup> at 9:00 A.M. in the City Council Chambers.

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President Rabb: Is there any other business to come before the Council?

There being no further business, the meeting was adjourned.

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