

May 19, 2008

City Council

Proceedings by Authority

State of New York
City of Jamestown
City Council Chambers

ss:

A regular meeting of the City Council of the City of Jamestown, New York was held on Monday, May 19, 2008 at 7:30 p.m.

Present: Council President Greg Rabb, Council Members Steve Szwejbka, Vince DeJoy, Paul Whitford, Kim Ecklund, Maria Jones, and George Spitale

Members Absent: Michael Taylor

Others: Director of Financial Services/City Clerk James N. Olson, Deputy Fire Chief Lance Hedlund, Corporation Council Marilyn Fiore-Nieves, Director of Public Safety/Police Chief Rex Rater, Director of Public Works Jeff Lehman, and Executive Asst. to the Mayor Matt Hanley

The City Clerk called the meeting to order.

Pastor Ray Ferguson of the Busti Church of God gave the invocation.

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

Councilman Spitale seconded the motion.

MESSAGES FROM THE MAYOR

200805D00.01a

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:

Tom Ferri
16 Pennsylvania Ave.
Jamestown, New York 14701

to be appointed a member of the Zoning Board of Appeals in and for the City of Jamestown, New York (to fill the unexpired term of Mary Lou Edwards, deceased).

The term for which said appointment is to be made will expire December 31, 2008.

Dated: May 19, 2008

Samuel Teresi
Mayor of the City of Jamestown, New York

May 19, 2008

200805D00.01b

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:

Robert Karbacka
143 Buffalo Street
Jamestown, New York 14701

to be appointed a member of the Zoning Board of Appeals in and for the City of Jamestown, New
York to fill the un-expired term of Suzanne Howig, resigned.

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

Dated: May 19, 2008

Samuel Teresi
Mayor of the City of Jamestown, New York

200805D00.01c

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:

Shyhedia Wiggins
211 North Main Street
Jamestown, New York 14701

to be re-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: May 19, 2008

Samuel Teresi
Mayor of the City of Jamestown, New York

May 19, 2008

200805D00.01d

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:

Jamie King-Prunty
198 Stowe Street
Jamestown, New York 14701

to be re-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, 2008.

Dated: May 19, 2008

Samuel Teresi
Mayor of the City of Jamestown, New York

Councilman Dolce moved to suspend the rules and vote collectively on the appointments.

Carried: 8 ayes, 0 nays

Councilman Dolce moved to approve the appointments.

Carried: 8 ayes, 0 nays

OPPORTUNITY FOR PERSONS TO ADDRESS THE COUNCIL

200805D00.02

Richard E. McQuay, Sr., 9 Cleveland Place: I don't have time to go into details, so I'd like to do a little scenario. Let's say I plan to be around quite a while and so I'm waiting for a person to die. When the person dies, I plan on robbing \$500 from him. When the person dies, I go over and he only has \$250.00, so that's not what I wanted. So then I go over to his family and I harass and intimidate his family for the other \$250.00. Now I've created a conspiracy to commit a robbery, one account of robbery and one account of robbery with intimidation and coercion. I could be arrested on all three charges. Now you have a federal agency here in Jamestown that is doing that to the people in this community and State of New York and to the country. It is Social Security. Now, when I came in, I had to pass the security guard downstairs and well, there was an officer up here, and they're here to protect you, not me. I want to know what is being done to protect the poor people in this community because the local, the state and the federal government when they need money, they take the money and they call it taxes. This organization, Social Security, is willfully and deliberately stealing money in the open. Now I can't go into details here because I don't have the time, but I will be out on Third Street in front of Tracy Plaza from 8:00 A.M. until noon and then from 1:00 until 5:00 P.M., and I will have all the details

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for anybody that wants to, because there has to be something done to protect the people because I can't complain when I'm dead, so I'm complaining now while I'm still alive. Thank you.

200805D00.03

Peter Morgante, 134 Euclid Ave.: Every week we get an article in the paper from the DJDC, Mr. Harkness, telling the people what a great job they do, and I guess they do bring things down in the City of Jamestown. Last Saturday, they had a cleanup and I've traveled through the City and they did a pretty good job. It's about time the City looked clean. But the purpose of cleaning up the City is so that when the events come in, the people can see what a great city we've got. Well, I think that since Mr. Harkness does such a good job and he brings all these tourists and the events to town, that they should do this once a month, so that our city is presentable not only to the tourists, but to the people that live in our City. Now since his groups and all the people that he represents cause all this litter and create it, let's have them clean it up. I also think that they should come up with a litter law or a loitering law, one of the two, and enforce it. They had that issue last year – they tried to do it and nothing was done about it, but the City should do it also. We should have a litter law downtown to clean up our City, and we don't have all those cigarette butts and everything cleaning around this city. But I think the City should do the job of the DJDC – he's the one and his group bringing all these events, but let's make sure that they try to clean up our city and do something about it. Thank you.

Now, another issue is the Strategic Planning & Partnership Commission and I've brought this up twice and at both times I get shut down. The Mayor shut me down last week by explaining whose on the committee, but he doesn't explain how they get there, and nobody ever explains who they are. Now, if you pick up The Post-Journal and I don't think any of you people read it, but every single committee, legislator, anybody, whenever they've got an issue or a purpose, they always got to go back and get the okay from the Strategic Planning & Partnership Commission. Mr. Cornell does this up in Mayville. All your committees do the same thing – they refer back to these people. Why? Who are they? And why should you have to go and get their approval in order to pursue your issues? I just don't understand. Now, the Mayor was talking about the appointments. Who appoints these people when they're out of their term? It's not the Mayor's job – it's not, because when the committee was formed, it was done by a councilman and the council created this commission so who controls the commission? I would like to know number one. He puts all of these people on the commission and most of them are somehow or another hooked up with either the schools or the hospital or non-for-profits or whatever it is, and that's the one thing.....there is no public representation as far as I'm concerned, homeowners or issues that they can take care of for the people and that's what we need. Like we got the Housing Commission – finally got that on City Council – that takes care of the average taxpayer. But the Strategic Planning & Partnerships Commission and their action teams have nothing. All of the members of the action team are members of different councils and different things like that. Why does a council member have to be on the Strategic Planning & Partnership Commission. How do they get there? I think we should have awho are these people? Even the BPU goes and gets their ideas and suggestions. Maybe they're good, maybe they're bad. But I think it's got to become public information of who's advising them. Let's put it that way. Thank you.

200805D00.04

Patrick Smeraldo, 5 Westwood Drive: Sir, what I've handed out is a copy of a FOIL request that I've made on April 10, 2008. If you were to count days back, I've also attached a letter from the City stating that they've received the FOIL request; I've also attached the law from the Freedom of Information law that states the timeline in getting this back. If you were to count from April 10th, today would have been the 27th day. If April 14th which was the date of the letter from the City, today would have been the 25th day. I'm not sure what we're going by, but as of today's mail, I haven't received my FOIL request back, nor a reason why I can't have the information. I won't go into the FOIL request – I'll let the Council handle that and talk about that

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how they wish. I do find it ironic that on April 10th I asked for some things that have been very popular in public discussion throughout the City with your Council a couple of weeks ago, and in various meetings. One thing I've asked for is the City vehicle policy about unmarked vehicles and their right to be taken outside the City or not; I've asked for that and haven't received that; at gas almost approaching \$4.00 a gallon, I had asked for that. Mr. Rabb, I'm understanding that this is just...I can make some statements, this isn't a back and forth thing. Correct?

President Rabb: Yes, as long as you keep it within five minutes.

Mr. Smeraldo: Okay. I have a question to Council and I don't know if this can happen or not; a GPS tracking system...are all unmarked vehicles equipped with a GPS tracking system? If they were, in my opinion, we wouldn't have to play the honor system anymore as far as unnecessary use of cars and I believe that with the tragedy that happened to Officer Mitchell some years back, it would also be a nice safety feature to have. A couple of weeks ago at a voting session, the Mayor had worked on a residency requirement issue here in the City. I don't know who voted for what, I was just wondering if that is in effect currently and where that stands, and basically the rest of my FOIL request if it could be answered, or a reason that it wouldn't be.

Mr. Olson: President Rabb, the FOIL request is sitting on my desk as of this afternoon and I will sign it in the morning and forward the information to him. It's been approved by the Corporation Counsel.

Mr. Smeraldo: Thank you.

REPORTS OF STANDING COMMITTEES

FINANCE COMMITTEE

200805D01

BY COUNCILMAN DOLCE:

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 \$8,815,890.01 in accordance with the period ending May 19, 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 \$6,779,349.76 and payrolls in the total amount \$636,540.25 and investments in the amount of \$1,400,000.00 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

200805D02

BY COUNCILMAN DOLCE:

RESOLVED, That warrants be drawn and paid to the respective owners and paying agents the sum of one hundred eighty-four thousand five hundred forty-six dollars and eighty-eight cents (\$184,546.88) in accordance with the bond requirements as follows:

Various Purpose Bonds, issue of May 15, 2000, one hundred seventy-five thousand (\$175,000)

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of principal and nine thousand five hundred forty-six dollars and eighty-eight cents (\$9,546.88) for six months interest at 5.875% per annum on three hundred twenty-five thousand dollars (\$325,000.00).

Carried: 8 ayes, 0 nays

200805D03

BY COUNCILMAN DOLCE:

RESOLVED, That warrants be drawn and paid to the respective owners and paying agents the sum of thirty thousand one hundred three dollars and thirteen cents (\$30,103.13) in accordance with the bond requirements as follows:

Various Purpose Bonds, issue of February 15, 2006, fifteen thousand (\$15,000) of principal and fifteen thousand one hundred three dollars and thirteen cents (\$15,103.13) for six months interest at 3.50% per annum on eight hundred thirty-five thousand dollars (\$835,000.00).

Carried: 8 ayes, 0 nays

200805D04

BY COUNCILMAN DOLCE:

RESOLVED, That the Mayor of the City of Jamestown be, and he hereby is, authorized to enter into an agreement with the Municipal Insurance Consultants, Inc. 5687 Main Street, Williamsville, New York 14221, as Insurance Advisor for property and casualty insurance for the period April 15, 2008 through April 14, 2009 in the amount of seventeen thousand dollars and no cents (\$17,000.00) with one-half of the cost paid by the Board of Public Utilities subject to the approval of the Corporation Counsel as to form.

Carried: 8 ayes, 0 nays

200805D05

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 CSEA, Local 1000, AFSCME, AFL-CIO 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 CSEA, Local 1000, AFSCME, AFL-CIO desire the wages, hours and working conditions of employment for the period January 1, 2008 and December 31, 2011, 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, 2008 and ending December 31, 2011 between the City of Jamestown and CSEA, Local 1000, AFSCME, AFL-CIO on the terms and conditions contained in a tentative

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agreement, subject to the approval of the office of Corporation Counsel as to form.

Carried: 8 ayes, 0 nays

200805D06

BY COUNCILMAN DeJOY:

RESOLVED, That the Mayor of the City of Jamestown be and he hereby is authorized to enter into an agreement with Highmark Insurance Company, for a specific excess stop-loss insurance policy for the period June 1, 2008 through May 31, 2009 in the amount of one hundred thirty-five thousand dollars (\$135,000) for specific deductible, maximum two million dollars (\$2,000,000), at a cost of \$17.00 per covered individual, subject to the approval of the Corporation Counsel as to form.

Carried: 8 ayes, 0 nays

200805D07

BY COUNCILMAN DeJOY:

RESOLVED, That Corporation Counsel Marilyn Fiore-Nieves, Police Chief/Director of Public Safety Rex Rater, and Deputy Fire Chief Lance Hedlund be, and they hereby are, authorized to attend a New York State Public Employer Labor Relations Association Annual Training Conference to be held in Saratoga Springs, New York on July 22-23, 2008, with expenses paid pursuant to Section 77-b of the General Municipal Law.

Carried: 8 ayes, 0 nays

200805D08

BY COUNCILMAN DeJOY:

RESOLVED, That Lieutenant Robert Samuelson and Detective Stephen Promber, be and they hereby are, authorized to attend the Interview and Interrogation Technique training in Cleveland, Ohio, September 16-18, 2008 with expenses paid pursuant to Section 77-b of the General Municipal Laws of the State of New York.

Carried: 8 ayes, 0 nays

200805D09

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 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

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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) full-time Police Officer in the Jamestown Police Department (replacement of one full-time officer, funded by the 2008 budget)

Carried: 8 ayes, 0 nays

PUBLIC WORKS

200805D10

BY COUNCILMAN SPITALE:

RESOLVED that Jeffrey A. Lehman, P.E., Director of Public Works, is hereby authorized and directed to purchase off of New York State OGS Contract No. PC62176 through International Truck & Engine Corp., 1568 Central Avenue, Albany, NY 12205, six (6) International 2008 or newer Diamond SPEC 7600 SFA 4 x 2 cab and chassis for the amount of \$109,813 each, and also one (1) International 2008 or newer 4400 SFA 4 x 2 cab and chassis for the amount of \$62,000, for a total purchase price not to exceed Seven Hundred Twenty Thousand Eight Hundred Seventy-eight Dollars (\$720,878.00).

Carried: 8 ayes, 0 nays

200805D11

BY COUNCILMAN SPITALE:

RESOLVED that Jeffrey A. Lehman, P.E., Director of Public Works, is hereby authorized and directed to purchase off of New York State OGS Group No. 40601, Contract No. PC 62734, Item #22, one (1) Caterpillar 430 E 4 WD Industrial Loader Backhoe through Milton CAT, 4610 East Saile Drive, Batavia, NY for a total purchase price not to exceed Eighty-four Thousand Two Hundred Forty-three Dollars (\$84,243.00).

Councilman Dolce: These three resolutions are obviously the beginning of the purchase for our capital improvement plan that we passed last month and these are the first phase of ordering these pieces of equipment so they can be here in time for the Fall and Winter season.

Carried: 8 ayes, 0 nays

200805D12

BY COUNCILMAN SPITALE:

RESOLVED that Jeffrey A. Lehman, P.E., Director of Public Works, is hereby authorized and directed to purchase the following equipment off NYS OGS Contract No. PC62374 through Beam Mack Sales & Service, 2674 West Henrietta Road, Rochester, NY 14623:

One (1) New 2008 or newer Henderson Muni II		
13' Stainless Steel all season body with plow frame		\$58,920
Four (4) New 2008 or newer Henderson HD Magnum body		
with plow and plow frame	(\$48159 ea .)	192,636
One (1) New 2008 or newer Henderson HD Magnum body		
with plow, plow frame, wing and wing frame		63,944

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for a total sum not to exceed Three Hundred Fifteen Thousand Five Hundred Dollars (\$315,500.00).

Councilman Spitale: This is a corrected amount than what was on the Agenda.

Carried: 8 ayes, 0 nays

200805D13

BY COUNCILWOMAN ECKLUND:

WHEREAS, the City of Jamestown, Municipal Building, Jamestown, NY 14701, has requested an ingress/egress easement over a portion of Gebbie Foundation. Inc. lands for street purposes running south from West Third Street to West Second Street along Foundry Alley through lands now or formerly known as Tax Map Nos. 387.40-3-9, 387.40-3-54 and 387.40-3-52; now, therefore, be it

RESOLVED, that the Mayor be, and he hereby is, authorized to enter into an ingress/egress easement agreement with Gebbie Foundation Inc, Jamestown, NY, over lands now or formerly known as Tax Map Nos. 387.40-3-9, 387.40-3-54 and 387.40-3-52.

Carried: 8 ayes, 0 nays

200805D14

BY COUNCILMAN WHITFORD:

WHEREAS, the Planning Commission of the City of Jamestown voted on April 15, 2008, to recommend to the Jamestown City Council that a portion of Osmer Street, be abandoned by the City of Jamestown as public alley, and

WHEREAS, it has been determined that the City of Jamestown no longer requires the aforesaid property known as a portion of Osmer Street, and

WHEREAS, notice of the City of Jamestown's intention to abandon the aforesaid property was published in The Post-Journal on May 12, 2008, and thereafter a public hearing was held on May 19, 2008, in accordance with the provisions of Section 29 of the General City Law, and

WHEREAS, notice has heretofore been sent by registered mail, return receipt requested, to the persons and addresses noted on the last preceding real property tax notice issued on the property which abuts the City-owned property above-described, in accordance with the provision of Section 29 of the General City Law, and

WHEREAS, the City Council of the City of Jamestown concurs with the recommendation of the Planning Commission aforesaid; now, therefore, be it

RESOLVED, That the City-owned property described as a portion of Osmer Street, as shown on the Official Tax Map of the City of Jamestown, be and the same hereby is abandoned to abutting property owners, and be it further

RESOLVED, That the Assessor and Director of Public Works of the City of Jamestown be and they hereby are authorized and directed to amend the Official Map of the City of Jamestown to reflect the abandonment of the above-described property, and be it further

RESOLVED, That the Mayor be, and he hereby is, authorized and directed to execute quit claim deeds conveying all of the City of Jamestown's right, title and interest to the abutting property owners of the portion of Osmer Street, measurements to be determined by the Director of Public Works.

ALL THAT TRACT OR PARCEL OF LAND, situate in the City of Jamestown, County of Chautauqua, and State of New York, being part of Lot 42, Town 2 and Range 11 of the Holland

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Land Company's Survey and more particularly bounded and described as follows: BEGINNING at a point on the westerly line of the Osmer Street road right-of-way, a distance of approximately 265± feet from the intersection of the northerly line of the Livingston Avenue road right-of-way with the westerly line of the Osmer Street road right-of-way; thence northerly along the westerly line of the Osmer Street road right-of-way a distance of approximately 170.5± feet and having a bearing of S 24° 34' 30" W; thence easterly a distance of 50.24 feet and having a bearing of N 62° 26' 50" W to a point on the easterly line of the Osmer Street road right-of-way; thence southerly along the easterly line of the Osmer Street road right-of-way a distance of approximately 168.4± feet and having a bearing of N 24° 34' 30" E; thence westerly approximately 50± feet to the point of beginning. The above described parcel considered for street abandonment is the northern most portion of the Osmer Street road right-of-way, said portion containing approximately 8400± square feet or .20± acres.

This conveyance is made and accepted subject to any and all utility easements, rights-of-way on records, other easements and restrictions that may validly affect the above described parcel. This conveyance is made pursuant to Resolution of the City of Jamestown City Council adopted May 19, 2008.

Carried: 8 ayes, nays

PUBLIC SAFETY

200805D15

BY COUNCILWOMAN JONES:

RESOLVED, That the Jamestown City Council hereby grants the following organization a

Games of Chance license for May 9, 2008:

Loyal Order of Moose Lodge #1681

Carried: 8 ayes, 0 nays

200805D16

BY COUNCILMAN SZWEJBKA:

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

The full-time position of Senior Civil Engineer in the Department of Public Works is hereby created at the following salary range:

- 1. Section V is hereby amended to adopt the salary schedule for the position of Senior Civil Engineer hereinafter set forth as follows:

1	2	3	4	5	6
\$63,397	\$65,888	\$68,478	\$71,169	\$73,966	\$76,924

Carried: 8 ayes, 0 nays

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BOARDS, COMMISSIONS & AGENCIES
JAMESTOWN URBAN RENEWAL AGENCY

200805D17

By COUNCILMAN DOLCE:

WHEREAS, the Jamestown Urban Renewal Agency (JURA) an independent government agency established by the laws of the State of New York in 1966 is the owner of the former Erie Lackawanna Railroad Station, hereafter referred to as the Gateway Station, located at 211-217 West Second Street, Jamestown, New York, (SBL # 387.48-1-1.1); and

WHEREAS, the New York State Office of Parks, Recreation, and Historic Preservation awarded the Downtown Jamestown Development Corporation an Environmental Protection Fund grant in the amount of three hundred twenty-five thousand five hundred dollars (\$325,500) in the 2005 round of funding, (EPF # 540404); and

WHEREAS, the Downtown Jamestown Development Corporation unanimously passed a resolution on March 27, 2008, authorizing transfer of the New York State Environmental Protection Fund grant # 540504 to the City of Jamestown, (said resolution affixed to and made a part hereof), and

WHEREAS, said grant requires a dollar-for-dollar local match, with part of the eligible local match being the fair market value of the Gateway Station provided that the grant recipient is also the property's titled owner; and

WHEREAS, the Jamestown Urban Renewal Agency unanimously passed a resolution on May 14, 2008, authorizing the transfer of all rights and ownership interest in the Gateway Station located at 211-217 West Second Street (SBL # 387.48-1-1.1) to the City of Jamestown; and

WHEREAS, the City of Jamestown, the Jamestown Urban Renewal Agency, and the Downtown Jamestown Development Corporation desire to maximize the impact of limited local resources by seeking to use the fair market value of the Gateway Station as part of the local match required by the New York State Environmental Protection Fund; now therefore be it

RESOLVED, that the City of Jamestown hereby agrees to accept all rights and ownership interest in the Gateway Station located at 211-217 West Second Street (SBL # 387.48-1-1.1), from the Jamestown Urban Renewal Agency as a means to maximize the use of scarce local resources, use the building's fair market value as local match, and allow this downtown revitalization project to proceed accordingly.

Councilman Dolce: These two resolutions – 17 and 18, are just another step in the process of the refurbishing of the Erie-Lackawanna Railroad Station – they're long overdue.

Carried: 8 ayes, 0 nays

200805D18

BY COUNCILMAN DOLCE:

WHEREAS, the Downtown Jamestown Development Corporation, as designated developer for the former Erie Lackawanna Railroad Station, hereafter referred to as the Gateway Station, located at 211-217 West Second Street, Jamestown, New York, (SBL # 387.48-1-1.1) applied for funding assistance through the New York State Environmental Protection Fund for financial assistance to restore this historic structure; and

WHEREAS, the New York State Office of Parks, Recreation and Historic Preservation awarded the Downtown Jamestown Development Corporation an Environmental Protection Fund

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grant in the amount of three hundred twenty-five thousand five hundred dollars (\$325,500) in the 2005 round of funding, (EPF # 540404); and

WHEREAS, the City of Jamestown has been awarded additional funding assistance for the restoration and redevelopment of this valuable community asset from the Federal Transit Administration in the amount of one million, six hundred, seventy-two thousand dollars (\$1,672,000), the Federal Highway Administration in the amount of one million two hundred and ninety thousand dollars (\$1,290,000), and Empire State Development Corporation in the amount of one hundred sixty thousand dollars (\$160,000); and

WHEREAS, the Downtown Jamestown Development Corporation unanimously passed a resolution on March 27, 2008, authorizing transfer of the New York State Environmental Protection Fund grant # 540504 to the City of Jamestown, (said resolution affixed to and made a part hereof); now therefore be it

RESOLVED, that the Jamestown City Council hereby agrees to accept the New York State Environmental Protection Fund grant # 540504 from the Downtown Jamestown Development Corporation to be administered by the City along with other City-administered grants funds for the purpose of the restoration and redevelopment of the Gateway Station located at 211-217 West Second Street, Jamestown, New York; and be it

FURTHER RESOLVED, that the Jamestown City Council hereby authorizes the Mayor to execute all documents necessary to secure and administer the New York State Environmental Protection Fund grant # 540504.

Carried: 8 ayes, 0 nays

NEW BUSINESS

200805D19

BY COUNCILMAN DOLCE:

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

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

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

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

- One (1) Senior civil engineer in the Department of Public Works (funded in the 2008 General Fund Budget).

Carried: 8 ayes, 0 nays

200805D20

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

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the City of Jamestown, and

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

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

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

- One (1) Junior civil engineer in the Department of Public Works (funded in the 2008 General Fund Budget).

Councilman DeJoy: This is due to a retirement and re-organization which will, in effect, by creating these two positions, will save the taxpayers approximately \$35,000 a year and we will still get the same services in engineering that we have been accustomed to.

Carried: 8 ayes, 0 nays

200805D21

BY COUNCILMAN DeJOY:

RESOLVED, That the Mayor of the City of Jamestown, be and he hereby is, authorized to enter into a grant agreement with the Gebbie Foundation in an amount not to exceed \$200,000 for Alley and Parking Improvements in the downtown area, subject to the approval of the Corporation Counsel as to form.

Carried: 8 ayes, 0 nays

200805D22

BY COUNCILMAN DeJOY:

RESOLVED, That the Mayor of the City of Jamestown, be, and he hereby is, authorized to enter into a grant agreement with the Jamestown Area YMCA and Chautauqua County Steps to a HealthierNY in an amount not to exceed \$3,000 for the purpose of funding a community physical activity program subject to the approval of the Corporation Counsel as to form.

Carried: 8 ayes, 0 nays

Councilman Dolce: I just wanted to answer a few questions from the public comment part. First of all, to Mr. Morgante and specifically to Patrick, I do read The Post-Journal every morning. It's the first thing that I do when I get up. The second thing, to Mr. Morgante, the Strategic Planning Commission, I think that the Mayor outlined that last week. I don't have the charter in front of me, but there are certain segments in the community that when that was established there was an educational group, there was a business and industry and labor, and so there's representatives from each of those areas. I believe, if I could speak for the Mayor, I don't want to speak for him, but I believe he leaves that up pretty much to those particular groups to find representatives that are willing to come and serve on the Board. I believe that's who those people are so they come from those sectors of the community and again, just to reiterate, they're an advisory committee only. They have no voting power. There are two members that sit on that

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from the City Council. One of them – actually we did change it – so there's one from each political party. Initially, there was one from the Public Safety chair and from the Minority Party, but they realized that that can actually be from the same political party, so there's one from each political party. Council President Rabb and myself are both on that commission and serve as liaison to the Council in that capacity. So again, I just wanted to clarify that.

As to Mr. Smeraldo – the one question you had about the City Charter - our recent voting session last month, we did change the Charter under Local Law No. 1. The Mayor signed it last week after having a Public Hearing on that which required the change of the Director of Public Works and the General Manager of the BPU to be added in the City Officer's part of the Charter so that they would be on equal footing and have a residency requirement. All City Department Heads are required to live in the City of Jamestown. That's what happened. The vote actually was 6-3; myself, Councilwoman Ecklund and Councilman Szwejbka initially voted no to that last month because there were some concerns from members of the Manufacturer's Association as well as current and present Board members from the BPU. However, the Mayor did address that and at this point, we were given the rest assured okay that there was nothing more to changing that and there was nothing wrong with changing that, and so those two individuals – the Director of Public Works, the General Manager of the BPU are now part of the City Charter that requires them to live in the City of Jamestown. The only difference is that the General Manager of the BPU is not appointed by the Mayor – he will still be appointed by the Board of Directors at the BPU. Will that answer your question? Thank you.

Councilman Szwejbka: Just one short comment – also to Mr. Morgante. There is a littering law ordinance in the City of Jamestown and I truly wish that we had enough policemen to go around and arrest everyone that threw their coffee cup or cigarette butt out the window, but unfortunately, the City can't afford it. It would be nice to ask the citizens to be a little more considerate, but indeed, but unless it's been taken off the book, we do have laws that cover littering in the City and there are arrests made. I'm sure the Chief could supply you with numbers. It's unfortunate because some people do think the public way is their garbage way. Thank you.

There being no further business, the meeting was adjourned.

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