

December 22, 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, December 22, 2008 at 7:30 p.m.

Members Present: Council President Greg Rabb, Council Members, Steve Szwejbka, Anthony Dolce, Michael Taylor, Paul Whitford, Kim Ecklund and George Spitale

Members Absent: Council Members Vince DeJoy, Maria Jones

Others Present: Mayor Sam Teresi, Director of Finance/City Clerk James N. Olson, Corporation Counsel Marilyn Fiore-Nieves, Comptroller Joseph Bellitto, Director of Public Works Jeff Lehman and Director of Public Safety/Police Chief Rex Rater

Council President Rabb called the meeting to order.

Council Member Anthony Dolce gave the invocation.

The minutes from the November 2008 and December 1, 2008 meetings were approved.

MESSAGES FROM THE MAYOR

The Director of Financial Services/City Clerk read the following appointments:

200812B00.01

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

Tammie Donato
327 Hazzard Street
Jamestown, New York 14701

to be re-appointed Chairperson of the Zoning Board of Appeals in and for the City of Jamestown, New York. The term for which said appointment is to be made will expire December 31, 2011.

200812B00.02

Richard A. Hanson
72 Spruce Street
Jamestown, New York 14701

to be re-appointed a member of the Zoning Board of Appeals in and for the City of Jamestown, New York. The term for which said appointment is to be made will expire December 31, 2011.

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200812B00.02

Patricia Calanni
200 Schuyler St., Apt 4
Jamestown, New York 14701

to be appointed a member of the Zoning Board of Appeals in and for the City of Jamestown, New York. The term for which said appointment is to be made will expire December 31, 2011.

200812B00.03

In pursuance of section 523-a. of the Real Property Tax Law, I do hereby nominate:

Jeffrey Fellows
71 Barker Street
Jamestown, New York 14701

to be re-appointed a temporary member of the Board of Assessment Review in and for the City of Jamestown, New York. The term for which said appointment is to be made will expire January 1, 2010.

200812B00.04

Kevin Sixbey
46 Pleasantview Drive
Jamestown, New York 14701

to be appointed a member of the Parks Recreation and Conservation Commission in and for the City of Jamestown, New York. The term for which said appointment is to be made will expire December 31, 2013.

200812B00.05

Bonnie Magers
120 Newton Ave.
Jamestown, New York 14701

to be appointed a member of the Parks Recreation and Conservation Commission in and for the City of Jamestown, New York. The term for which said appointment is to be made will expire December 31, 2013.

200812B00.06

Paul Andalora
11 Gertrude Avenue
Jamestown, New York 14701

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to be re-appointed a member of the Planning Commission in and for the City of Jamestown, New York. The term for which said appointment is to be made will expire December 31, 2013.

200812B00.07

Kenneth Sohmer
311 Lincoln Street
Jamestown, New York 14701

to be re-appointed a member of the Property Rehabilitation and Conservation Board of Appeals in and for the City of Jamestown, New York. The term for which said appointment is to be made will expire December 31, 2011.

200812B00.08

Robert Karbacka
143 Buffalo Street
Jamestown, New York 14701

to be re-appointed a member of the Property Rehabilitation and Conservation Board of Appeals in and for the City of Jamestown, New York. The term for which said appointment is to be made will expire December 31, 2011.

200812B00.09

Sandra Stewart
West 12 Cowden Place
Jamestown, New York 14701

to be appointed a member of the Property Rehabilitation and Conservation Board of Appeals in and for the City of Jamestown, New York. The term for which said appointment is to be made will expire December 31, 2011.

200812B00.10

Clyde Card
574 Front Street
Jamestown, NY 14701

to be appointed Chairman of the Veterans Memorial Commission in and for the City of Jamestown, New York. The term for which said appointment is to be made will expire December 31, 2010.

200812B00.11

Russell E. Diethrick, Jr.
153 Hallock Street
Jamestown, New York 14701

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to be re-appointed a member of the Veteran's Memorial Commission in and for the City of Jamestown, New York. The term for which said appointment is to be made will expire December 31, 2011.

200812B00.12

Carolyn Volk
1596 Manchester Road
Jamestown, New York 14701

to be re-appointed a member of the Veteran's Memorial Commission in and for the City of Jamestown, New York. The term for which said appointment is to be made will expire December 31, 2011.

200812B00.13

Tom Abbott
14 Lilac Lane
Jamestown, New York 14701

to be appointed a member of the Veteran's Memorial Commission in and for the City of Jamestown, New York. The term for which said appointment is to be made will expire December 31, 2011.

200812B00.14

Pierre Richard Fleurant
140 Euclid Ave.
Jamestown, New York 14701

to be re-appointed an adult 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, 2010.

200812B00.15

Barbara Boone
28 Blanchard Street
Jamestown, New York 14701

to be re-appointed an adult 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, 2010.

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200812B00.16

Marcella Keith
16 Richmond Ave.
Jamestown, New York 14701

to be re-appointed an adult 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, 2010.

200812B00.17

Alicia Passamonte
15 Howard Street
Jamestown, New York 14701

to be appointed an adult 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, 2010.

200812B00.18

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, 2010.

200812B00.19

Benjamin Wrazen
15 Howard 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, 2010.

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Samuel Teresi
Mayor of the City of Jamestown, New York

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Councilwoman Dolce moved to suspend the rules in order to vote on the appointments.

Carried: 7 ayes, 0 nays

Councilman Spitale moved to vote on the appointments.

Carried: 7 ayes, 0 nays

REPORTS OF STANDING COMMITTEES

FINANCE COMMITTEE

200812B01

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 \$10,267,008.45 in accordance with the period ending December 22, 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 \$7,158,033.86, investments in the total amount of \$1,250,000.00 and payrolls in the total amount of \$1,858,974.59, 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: 7 ayes, 0 nays

200812B02

BY COUNCILMAN DOLCE:

RESOLVED, That Mayor Sam Teresi and City Council members be, and they hereby are, authorized to attend meetings of the Chautauqua County Conference of Mayors, the Southern Tier West Regional Planning and Development Board, the Western New York Regional Economic Development Council, the New York State Conference of Mayors, the National League of Cities and any other job related conferences during 2009, with expenses paid pursuant to Section 77-b of the General Municipal Law.

Carried: 7 ayes, 0 nays

200812B03

BY COUNCILMAN DOLCE:

RESOLVED, That Key Bank of New York, N.A., Jamestown Office, Jamestown, New York; HSBC Bank, N.A., Jamestown, New York; J. P. Morgan-Chase Bank, N.A., Buffalo, New York; Bank of America, Buffalo, New York; Manufacturers and Traders Trust Company, Jamestown, New York; Citizens Bank of New York. Buffalo, New York; Five Star Bank, Olean, New York; First Niagara Commercial Bank, Lockport, New York and New York State Investment Firms be and hereby are designated as depositories of the City of Jamestown and that they be and hereby are requested, authorized and directed to honor checks, drafts, or other orders for payment of money drawn in the City's name, including those payable to the individual order of

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any person or persons whose name or names appear thereon as a signer or signore thereof, when bearing or purporting to bear the facsimile signatures of the City Comptroller and Director of Financial Services and the above mentioned banks shall be entitled to honor and charge this city for such checks, drafts or other orders, regardless of by whom or by what means the actual or purposed facsimile signatures or signature thereon may have been affixed thereto, if such signature or signatures resemble the facsimile specimen duly certified to or filed with the above mentioned banks by the Director of Financial Services of the City of Jamestown.

Carried: 7 ayes, 0 nays

200812B04

BY COUNCILMAN DOLCE:

RESOLVED, That the City Comptroller be and he hereby is authorized to affect the 2008 General Fund overdrafts as follows:

TO:	<u>GENERAL GOVERNMENT SUPPORT</u>		<u>375,728.00</u>
	A1010.400	City Council	26,600.00
	A1210.100	Mayor	2,720.00
	A1210.200	Mayor	1,650.00
	A1210.400	Mayor	3,000.00
	A1310.100	Director of Financial Services	9,200.00
	A1310.400	Director of Financial Services	825.00
	A1315.100	Comptroller	3,860.00
	A1315.200	Comptroller	1,130.00
	A1325.100	Treasurer	7,150.00
	A1355.100	Assessment	12,675.00
	A1355.400	Assessment	3,000.00
	A1410.100	City Clerk	7,430.00
	A1410.200	City Clerk	1,250.00
	A1420.100	Corporation Counsel	2,206.00
	A1420.200	Corporation Counsel	1,600.00
	A1430.100	Civil Service	39,615.00
	A1430.200	Civil Service	1,600.00
	A1430.400	Civil Service	1,800.00
	A1435.100	Human Resources	3,106.00
	A1440.100	Engineer	32,500.00
	A1440.200	Engineer	425.00
	A1440.400	Engineer	600.00
	A1620.100	Building - City Hall	10,350.00
	A1621.100	Building - 145 Steele	836.00
	A1640.100	Central Garage	65,000.00
	A1640.400	Central Garage	100,000.00
	A1680.100	Data Processing	23,600.00
	A1930.400	Judgments & Claims	12,000.00

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<u>PUBLIC SAFETY</u>		<u>437,768.00</u>
A3120.100	Police	285,000.00
A3120.400	Police	14,000.00
A3310.100	Traffic Control	6,000.00
A3330.100	Parking Meter Attendants	2,868.00
A3330.400	Parking Meter Attendants	2,900.00
A3410.100	Fire	120,000.00
A3510.400	Animal Control	7,000.00

<u>TRANSPORTATION</u>		<u>345,350.00</u>
A5010.100	Streets Administration	52,750.00
A5010.400	Streets Administration	600.00
A5110.200	Street Maintenance	2,000.00
A5110.400	Street Maintenance	200,000.00
A5142.100	Snow & Ice Removal	20,000.00
A5142.400	Snow & Ice Removal	50,000.00
A5182.400	Street Lighting	20,000.00

<u>RECREATION</u>		<u>95,660.00</u>
A7020.100	Recreation Administration	7,700.00
A7110.100	Parks	46,000.00
A7110.400	Parks	12,000.00
A7210.100	Stadium	2,800.00
A7210.400	Stadium	20,000.00
A7310.100	Youth Bureau	2,560.00
A7310.200	Youth Bureau	1,600.00
A7310.400	Youth Bureau	3,000.00

<u>UNDISTRIBUTED</u>		<u>181,236.00</u>
A9040.800	Workers Compensation	42,000.00
A9050.800	Unemployment Insurance	1,600.00
A9551.500	CHIPS Capital	122,981.00
A9785.900	Installment Debt - BPU	14,655.00

<u>REVENUES</u>		<u>220,000.00</u>
A.0000.1520	Police Dept. Fees	220,000.00

FROM:	<u>GENERAL GOVERNMENT SUPPORT</u>	<u>121,213.00</u>
	A1910.400 Unallocated Insurance	25,000.00
	A1964.400 Refund of Real Property Taxes	3,500.00
	A1990.400 Contingency	92,713.00

<u>PUBLIC SAFETY</u>		<u>55,800.00</u>
A3170.100	Court Security	44,000.00
A3510.100	Animal Control	11,800.00

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<u>UNDISTRIBUTED</u>		<u>945,748.00</u>
A9010.800	Employees Retirement System	246,379.00
A9015.800	Police & Fire Retirement System	274,524.00
A9060.800	Health Insurance	414,245.00
A9711.700	Bond Interest	5,400.00
A9731.700	BAN Interest	5,200.00
 <u>REVENUES</u>		 <u>532,981.00</u>
A.0000.2701	Refunds for Appropriated Expenditures	160,000.00
A.0000.3330	State Aid Court Security	250,000.00
A.0000.3501	State Highway Maintenance (CHIPS)	122,981.00

Carried 7-0

200812B05

BY COUNCILMAN DOLCE:

WHEREAS, the Community Development Block Grant and HOME program were authorized under the Cranston-Gonzalez National Affordable Housing Act of 1990; and

WHEREAS, under the Community Development Block Grant and HOME programs, entitlement communities are allocated funds to implement housing, neighborhood improvement, and economic development activities, as appropriate; and

WHEREAS, the City of Jamestown has been designated an entitlement community and previously notified by the United States Department of Housing and Urban Development that funding in the amount of one million, three hundred and eighty thousand, nine hundred and twenty dollars (\$1,380,920) has been allocated to the City during FY 2008 for eligible Community Development Block Grant purposes subject to the City submitting an acceptable, qualifying program of activities; and that funding in the amount of three hundred seventy-nine thousand, one hundred forty dollars(\$379,140) has been allocated to the City during FY 2008 for eligible HOME purposes subject to the City submitting an acceptable qualifying program of activities and meeting the local match requirement; and

WHEREAS, the City of Jamestown Department of Development has identified a series of housing and community development needs and objectives to be advanced with the above referenced FY 2008 Community Development Block Grant and HOME program; and

WHEREAS, on June 16, 2008, the Jamestown City Council authorized and directed the Mayor to execute and submit to the United States Department of Housing and Urban Development the FY 2008 Consolidated Plan, which outlines proposed uses for the City's FY 2008 Community Development Block Grant and HOME allocation; and

WHEREAS, on September 17, 2008, the City of Jamestown received formal approval of its FY 2008 Consolidated Plan from the United States Department of Housing and Urban Development; now therefore be it

RESOLVED, that the Mayor be and is hereby authorized and directed to enter into an agreement with the United States Department of Housing and Urban Development for the above referenced Community Development Block Grant and HOME awards; and be it further

RESOLVED, that the Mayor be and is hereby authorized and directed to enter into an agreement with the Jamestown Urban Renewal Agency to administer all aspects of said grant awards contingent on the Jamestown Urban Renewal Agency indemnifying and holding the City of Jamestown harmless for any actions resulting from the administration of said grant awards; and be it further

RESOLVED, that the Jamestown Urban Renewal Agency is hereby authorized to retain

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and utilize in accordance with all applicable Federal regulations any and all administrative funds included in said grant awards for eligible planning and program delivery expenses.

FY 2008 Community Development Block Grant and HOME Programs

Summary of FY 2008 CDBG Activities:

Proposed Low-Moderate Benefit Activities: (79.63 % of Active Funds):

<u>Activity</u>	<u>Amount</u>
Chadakoin Park Infrastructure Improvements (Phase 1)	\$ 75,000
A.D.A. Improvements –Public Facilities	\$ 235,000
Neighborhood Target Area Infrastructure Improvement Program	\$ 234,745
Owner-Occupied Emergency Repair Program	\$ 90,000
Citywide Rental Rehabilitation Program	\$ 130,000
Downtown Handicapped Accessibility Improvement Program	\$ 90,000
Residential Wheelchair Ramp Program	\$ 25,000
 SUB-TOTAL (Low - Moderate Benefit Activities)	 <u>\$ 879,745</u>

Proposed Slums and Blight Activities: (20.37% of Active Funds):

<u>Activity</u>	<u>Amount</u>
Downtown Greenlining Façade Improvement Program	\$ 225,000
 SUB-TOTAL (Slums and Blight Activities)	 <u>\$ 225,000</u>
Planning and Administration – Technical Assistance	\$ 12,000
Administration/Program Delivery	\$ 264,175
 TOTAL (CDBG Program)	 <u>\$1,380,920</u>

Summary of FY 2008 HOME Program Activities:

<u>Activity</u>	<u>Amount</u>
Citywide Owner-Occupied Rehabilitation	\$ 284,355
CHDO Set-Aside (15%)	\$ 56,871
Administration/Program Delivery	\$ 37,914
 TOTAL (HOME Program)	 <u>\$ 379,140</u>

Carried: 7 ayes, 0 nays

200812B06

BY COUNCILMAN DOLCE:

RESOLVED, That the Mayor be and he hereby is authorized to enter into an agreement with the Jamestown Public School System, 197 Martin Road, Jamestown, New York 14701 for a paid intern in the Department of Youth Services through the Jamestown High School's Youth Apprenticeship Program with expenses paid through the 21st Community Learning Grant.

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Carried: 7 ayes, 0 nays

200812B07

BY COUNCILMAN DOLCE:

WHEREAS, the Jamestown Urban Renewal Agency (JURA) is an independent government agency established by the laws of the State of New York in 1966; and

WHEREAS, the scope of JURA activity has grown to include housing code enforcement and rehabilitation, commercial building code enforcement, neighborhood preservation and improvement, zoning activities, community planning and economic development; and

WHEREAS, the City of Jamestown maintains the desire and responsibility to protect the safety and improve the quality of life for all of its residents through the proper enforcement of life and safety codes, the upgrading of the environment within its neighborhoods, rebuilding infrastructure and stimulating the retention and creation of jobs in the industrial, service and commercial sectors; and

WHEREAS, JURA has demonstrated since its inception that it is adequately equipped and fully capable to develop, obtain funding for and implement a variety of programs and activities to address the city's public safety and community/ economic development objectives; and

WHEREAS, the City has determined that it is efficient, cost effective, and desirable to contract with JURA for delivery of these essential services and activities; now therefore be it

RESOLVED, that the Mayor be and is hereby authorized to enter into an agreement with the Jamestown Urban Renewal Agency for the 2009 fiscal year to provide the following city services and pursue the following activities:

Enforcement of Chapter 215 of the Jamestown City Code - the Property Rehabilitation and Conservation Code.

Enforcement of the New York State Uniform Fire Prevention and Building Code.

Enforcement of Chapter 300 of the Jamestown City Code - the Zoning Code for the City of Jamestown.

Operation of the city's various housing rehabilitation and neighborhood improvement initiatives.

Application for and administration of housing and economic development grant programs including but not limited to; HUD's CDBG and HOME Program entitlements; the NYS Brownfield Opportunity Areas Program Grant; NYS Main Street Grant; NYS Quality Communities Grant; and RESTORE NY Grant.

Administration of the Federal Renewal Community Tax Incentive Program.

Administration of all long and short term planning activities.

Marketing of the community and response to development-related inquiries.

Packaging of sites for city-sponsored projects.

and be it further

RESOLVED, that in consideration of said services and activities, the City will allocate to JURA during FY 2009 a sum that shall not be less than \$327,500 and provide an in-kind

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contribution of office space, utilities, and parking for JURA vehicles at the Jamestown Municipal Building, and authorize JURA to retain all administrative revenues from housing and community/economic development grants obtained and administered by JURA on behalf of the city.

Carried: 7 ayes, 0 nays

200812B08

BY COUNCILMAN DOLCE:

WHEREAS, the City of Jamestown heretofore applied for State funding under the New York State Governor's Traffic Safety Committee "SELECTIVE TRAFFIC ENFORCEMENT" Grant Program, and

WHEREAS, the City's application has been approved, now therefore be it

RESOLVED, that the Mayor be and he hereby is authorized and directed to execute a grant agreement with the New York State Governor's Traffic Safety Committee "SELECTIVE TRAFFIC ENFORCEMENT" Grant Program in the amount of four thousand five hundred dollars (\$4,500.00) for the period of October 1, 2008 through September 30, 2009.

Carried: 7 ayes, 0 nays

200812B09

BY COUNCILMAN DOLCE:

RESOLVED, that Samuel Teresi, Mayor of the City of Jamestown be and he hereby is authorized in conjunction with The Chautauqua County Sheriff's Department to apply to the New York State Local Government Efficiency Grant Program for a 21st Century Demonstration Project for 2008-2009 program year, to study and pursue the merging of the City of Jamestown Police Department with the Chautauqua County Sheriff's Department, in an amount not to exceed \$700,000, and be it

RESOLVED, that Samuel Teresi, Mayor of the City of Jamestown be and he hereby is authorized to execute all financial and/or administrative processes related to the grant program, and be it further

RESOLVED, that Rexford Rater, Police Chief/Director of Public Safety of the City of Jamestown be and he hereby is designated as the lead applicant contact person for the application, and be it further

RESOLVED, that it is understood that there will be a 10% local share that the City of Jamestown and County of Chautauqua will commit as a part of the required cash match for the program.

Carried: 7 ayes, 0 nays

200812B10

BY COUNCILMAN DOLCE:

RESOLVED, That the City Comptroller be and he hereby is authorized to make the following amendment to the 2008 General Fund Budget for the purpose of purchasing lap top computers for the Jamestown Urban Renewal Agency that will be utilized by the Code Enforcement Officers when conducting inspections with the Code Enforcement Software:

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INCREASE: Appropriations \$15,000.00
JURA
A.8791.0400

DECREASE: Appropriations \$15,000.00
Contingency
A.1990.0400

Councilman Dolce: Just a quick comment. This will help make their job much easier and more efficient and hopefully be able to get out in the field and stay out in the field a lot more rather than have to do a lot of physical paperwork, so I believe this is well worth the \$15,000 that's being spent. It also gives the staff a much quicker time to turn around in getting the information into the system so that we can keep updated on Code violations and other information that needs to go into the system rather than wait until the next day or two to get that all programmed in.

Carried: 7 ayes, 0 nays

200812B11

BY COUNCILMAN DOLCE:

RESOLVED, That the Mayor of the City of Jamestown be and he hereby is authorized to enter into an agreement with Toshiba 8123 S Hardy Dr., Tempe AZ 85284 to provide five (5) laptop computers that will use the Code Enforcement Software that is utilized by the Jamestown Urban Renewal Agency Code Enforcement personnel.

Carried: 7 ayes, 0 nays

200812B12

BY COUNCILMAN DOLCE:

RESOLVED, That the Mayor of the City of Jamestown be and he hereby is authorized to enter into an agreement with Business Automation Systems, 636 Plank Road, Suite 207, Clifton Park, New York 12065 to provide software installation and training for the Code Enforcement Software that is utilized by the Jamestown Urban Renewal Agency Code Enforcement personnel.

Carried: 7 ayes, 0 nays

200812B13

BY COUNCILMAN DOLCE:

RESOLVED, That the City Comptroller be and he hereby is authorized to make the following amendment to the 2008 General Fund Budget for the upgrading the existing parking meters in the downtown area:

INCREASE: Appropriations \$32,000.00
Capital-Parking Meters
A.9551.0500

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DECREASE: Appropriations \$32,000.00
Contingency
A.1990.0400

Carried: 7 ayes, 0 nays

200812B14

BY COUNCILMAN DOLCE:

RESOLVED, That the City Comptroller be and he hereby is authorized to make the following amendments to the 2008 General Fund Budget for the purpose of applying various state aid toward the payment of principal on the bond anticipation note used to finance the property revaluation project:

INCREASE: Appropriations \$175,000.00
Principal-Bond Anticipation Note
A.9730.0006

INCREASE: Estimated Revenues \$173,874.00
State Aid-Real Property Tax Administration
A.0000.3040

INCREASE: Estimated Revenues \$1,126.00
Interfund Transfer
A.0000.5032

Carried: 7 ayes, 0 nays

200812B15

BY COUNCILMAN DOLCE:

RESOLVED, That the City Comptroller be and he hereby is authorized to make the following amendment to the 2008 General Fund Budget for the purpose of replacing the gas line at the Spring Street Parking Garage:

INCREASE: Appropriations \$11,000.00
Spring Street Ramp Gas Line
H. 9551.0400.0145

DECREASE: Appropriations \$11,000.00
Contingency
A.1990.0400

Carried: 7 ayes, 0 nays

200812B16

BY COUNCILMAN DOLCE:

WHEREAS, funding has become available through the Coastal Resources Division of New York State's Department of State for the Brownfield Opportunity Areas Grant Program which

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is designed to provide municipalities and community-based organizations with funding assistance that covers up to ninety percent (90%) of eligible costs to complete area-wide Brownfield investigations and land use redevelopment planning; and

WHEREAS, the Jamestown Urban Renewal Agency at a meeting held on June 17, 2004, agreed to serve as the program applicant for the Brownfield Opportunity Areas Grant Program on behalf of the City of Jamestown and also agreed to serve as the administrator and coordinator of the area-wide Brownfield investigation and land use redevelopment planning efforts; and

WHEREAS, the Jamestown Urban Renewal Agency, the City of Jamestown Department of Public Works, and the City of Jamestown Parks Department, working in partnership with environmental specialists at the Chautauqua County Department of Public Facilities and citizens of the City of Jamestown, have identified the Chadakoin River Corridor extending from Buffalo Street to the east, McCrea Point Park to the west, Whitley Street, Steele Street, and Allen Streets to the south, and Fourth Street to the north as boundaries for the designated Chadakoin River Corridor Brownfield Opportunity Area; and

WHEREAS, the identified area overlaps portions of; Downtown Jamestown, the City's federal Renewal Community census tracts, the Greater Jamestown Empire Zone, the Jamestown Urban Design Plan area, the City's industrial corridor, the City's Chadakoin Riverwalk project area, and several Community Development Block Grant neighborhood redevelopment target areas; and

WHEREAS, said Brownfield investigation and redevelopment is consistent with and in support of the City of Jamestown Comprehensive Plan (1998) and other studies regarding riverfront development and its importance to downtown redevelopment including the Downtown Jamestown Community Redevelopment Plan (2001) and City of Jamestown Urban Design Plan (2006); and

WHEREAS, §970-r of the General Municipal Law authorizes State assistance to eligible parties for Brownfield Opportunity Areas Program grants by means of a State Assistance Contract (SAC) and the Applicant deems it to be in the public interest and benefit under this law to enter into a contract therewith; and therefore be it

RESOLVED, that the City Council of Jamestown, New York is fully committed and supportive of the Brownfield Opportunity Areas Grant Program and agrees to serve as the "non-lead applicant" for the Step 2 Nomination Study of the Chadakoin River Corridor BOA; and be it further

RESOLVED, that the City Council of Jamestown, New York hereby agrees that the Jamestown Urban Renewal Agency (JURA) will serve as Lead Applicant on behalf of the City of Jamestown for the Brownfield Opportunity Areas Grant Program for the Step 2 Nomination Study of the Chadakoin River Corridor BOA; and be it further

RESOLVED, that City Council of Jamestown, New York hereby authorizes the Mayor, in his capacity as Chairman of the Jamestown Urban Renewal Agency, to be the representative authorized to act on behalf of the lead applicant (JURA) and non-lead applicant (City of Jamestown) in all matters related to State Assistance under §970-r of the General Municipal Law for the Project; and be it further

RESOLVED, that the Applicant agrees that it will complete the Projects, fund the Applicant's 10% share of the Projects; and be it further

RESOLVED, that the lead applicant and its designated authorized representative identified as Chairman of the Jamestown Urban Renewal Agency is the Fiscal Administrator for the State Assistance Contract (SAC) in accordance with Schedule B of the SAC; and be it further

RESOLVED, that this authorization take effect immediately.

Carried: 7 ayes, 0 nays

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200812B17

BY COUNCILMAN DOLCE:

WHEREAS, the Downtown Jamestown Development Corporation is desirous of contributing two benches to the City of Jamestown to be used within the downtown business district, now therefore be it

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

Carried: 7 ayes, 0 nays

200812B18

BY COUNCILMAN DOLCE:

RESOLVED, That Tonya Taber, Legal Secretary, Corporation Counsel's Office be and she is authorized to attend Course #4425 entitled Paralegal Certificate Program at Jamestown Community College, North Campus, Dunkirk, New York 14048 with tuition paid pursuant to Section 77-b of the General Municipal Laws of the State of New York.

Carried: 7 ayes, 0 nays

200812B19

BY COUNCILMAN DOLCE:

RESOLVED, That Battalion Chief Chester Harvey be and he hereby is authorized to attend the New York State Weekend at the National Fire Academy in Emmitsburg, Maryland, March 6-8, 2009, with expenses paid pursuant to Section 77-b of the General Municipal Law.

Carried: 7 ayes, 0 nays

200812B20

BY COUNCILMAN DOLCE:

RESOLVED that Mickey Sorenson, PLS, Department of Public Works Junior Civil Engineer, is hereby authorized to attend the NYS Association of Professional Land Surveyors Conference in Albany, NY on January 14-16, 2009, said expenses to be paid pursuant to Section 77-b of the General Municipal Law.

Carried: 7 ayes, 0 nays

200812B21

BY COUNCILWOMAN ECKLUND:

WHEREAS, on June 6, 2006, the City of Jamestown entered into an agreement with Support Enterprises, Inc., 880 E. Second Street, Jamestown, NY 14701, to furnish janitorial services to the City of Jamestown through December 31, 2008 (pursuant to Resolution #200512B10); and

WHEREAS, both parties are desirous of extending said agreement for one month at the new rate of Seven Thousand Nine Hundred Fifty Dollars (\$7,950.00) per month; now, therefore, be it

RESOLVED, that the Mayor be and he hereby is authorized to execute Change Order No. 1 for a one month contract extension to the janitorial services agreement with Support

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Enterprises, Inc., through January 31, 2009, subject to approval by the Office of Corporation Counsel.

Carried: 7 ayes, 0 nays

200812B22

BY COUNCILMAN WHITFORD:

RESOLVED that the bid opened on November 26, 2008, and submitted by Support Enterprises, Inc., 890 East Second Street, Jamestown, NY 14701 for Janitorial Service: Municipal Building, along with subsequent letter and modified Duties and Cleaning Services dated December 15, 2008, be and the same hereby are accepted in the following amounts:

Price per month (Year 1)	\$7,950.00
Price per month (Year 2)	\$7,950.00
Price per month (Year 3)	\$8,077.00

Requested work to be added:

(1) wall washing	0.13 sq ft cost
(2) carpet extraction	0.18 sq ft cost
(3) hardfloor scrub & recoat – 2 coats wax	0.17 sq ft cost
(4) hardfloor strip & 2 coats of wax	0.22 sq ft cost
(5) carpet bonneting	0.13 sq ft cost
(6) custodial labor – general	13.64 per hr cost
(7) window cleaning (interior)	437.8 per number of times cost

and be it further

RESOLVED that the Mayor be and he hereby is authorized to execute an agreement with Support Enterprises, Inc., 890 E. Second Street, Jamestown, NY which agreement will reflect the services to be performed by Support Enterprises, Inc., at the prices referred to above, said agreement shall be subject to approval as to form by the office of the Corporation Counsel.

Carried: 7 ayes, 0 nays

200812B23

BY COUNCILMAN SPITALE:

RESOLVED that Jeffrey Lehman, P.E., Director of Public Works, is hereby authorized and directed to purchase from Joe Johnson Equipment, 62 LaGrange Avenue, Rochester, NY 14613, two (2) 2009 Trackless MT-6 sidewalk and utility plows for the following amounts:

(\$105,168.00 each) \$210,336.00

With Options:

One (1) Deep Reduction Gear Box	7,761.00
Two (2) Electric Locking Differentials (\$3,650.00)	7,300.00

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One (1) Five-position Folding V-Plow 5,250.00
\$230, 647.00

for a total price not to exceed Two Hundred Thirty Thousand Six Hundred Forty-seven Dollars (\$230,647.00), per bid proposal opened December 19, 2008, this being the only bid received meeting specifications.

Carried: 7 ayes, 0 nays

200812B24

BY COUNCILMAN SPITALE:

RESOLVED, that the Mayor be and he hereby is authorized to execute Change Order #1 to the McCrea Point Park Comfort Station agreement with R. W. Construction, Inc., 65 Mid County Drive, Orchard Park, New York 14127, to include changes as follows:

Provide colored masonry units and colored mortar \$2,645.00

for a total increase of Two Thousand Six Hundred Forty-five Dollars (\$2,645.00).

Carried: 7 ayes, 0 nays

200812B25

BY COUNCILMAN SPITALE:

WHEREAS, the City of Jamestown, NY, herein called the "City," after thorough consideration of the various aspects of the problem and study of available data, has hereby determined that certain work, as described in its application and attachments, herein called the "Project", is desirable, is in the public interest, and is required in order to implement the Project; and

WHEREAS, the City has taken under consideration making joint application to the New York State Department of State, Local Government Efficiency Grant Program with the Jamestown Public Schools for provision of road salting services and construction of a salt storage facility required for delivery of the service; and

WHEREAS, the New York State Department of State Local Government Efficiency Grant Program provides State assistance to eligible local governments for capital improvements, transitional personnel costs or joint equipment purchases where such expenses are integral to the coordinated or consolidated service delivery, and the government deems it to be in the public interest and benefit to enter into a contract therewith; now, therefore, be it

RESOLVED, that Samuel Teresi, as Mayor for the City of Jamestown, is hereby authorized as the representative to act on behalf of the City in all matters related to State assistance and is hereby authorized and directed to include the City of Jamestown as Lead-Applicant Government on the application to the New York State Department of State, Local Government Efficiency Grant Program, execute the State Assistance Contract, submit Project documentation, and otherwise act for the City's governing body in all matters related to the Project and to State assistance; and be it further

RESOLVED, that the City agrees that it will fund its portion of the cost of the Project in an amount not less than 5% of total project cost, in local share funds, and upon approval of said request to enter into and execute a project agreement with the State for such financial assistance

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for participation in the City of Jamestown Road Salting Services project.

Carried: 7 ayes, 0 nays

PUBLIC SAFETY

200812B26

BY COUNCILMAN SZWEJBKA:

RESOLVED, That the Board of Public Utilities be, and it hereby is, requested to install one new street light at the following location:

Pole 12290

Barrett Avenue

Carried: 7 ayes, 0 nays

200812B27

BY COUNCILMAN SZWEJBKA:

RESOLVED, That the regular meetings of the City Council of the City of Jamestown shall be held in the City Council Chambers, Municipal Building at 7:30 p.m. beginning the evening of January 26, 2009 and on scheduled Monday evenings thereafter in the year 2009, at the same time and place.

January 26
February 23
March 23
April 27
May 18
June 22

July 20
August 24
September 28
October 26
November 23
December 21

Carried: 7 ayes, 0 nays

200812B28

BY COUNCILMAN SZWEJBKA:

RESOLVED, That the Jamestown Post-Journal be and it hereby is designated as the official newspaper for the publications of proceedings and official notices for the City of Jamestown for the period January 1, 2009 through December 31, 2009.

Carried: 7 ayes, 0 nays

200812B29

BY COUNCILMAN SZWEJBKA:

RESOLVED, That the Jamestown City Council hereby grants the following organizations a Games of Chance (Bell Jar) license for the 2009 calendar year:

Jamestown Lodge #263 BPO Elks

Chautauqua Aerie #2145, Fraternal Order of Eagles, Inc.

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Loyal Order of Moose Lodge #1681

Women of the Moose Chapter 87

Jamestown Vietnam Veterans

ILS Veterans Club, Inc.

Carried: 7 ayes, 0 nays

200812B30

BY COUNCILMAN TAYLOR:

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 Parks Recreation Coordinator in the Department of Parks, Recreation and Conservation is hereby created at the following salary range:

1. Section V is hereby amended to adopt the salary schedule for the position of Parks Recreation Coordinator hereinafter set forth as follows:

1	2	3	4	5	6
\$30,000	\$31,200	\$32,448	\$33,746	\$35,096	\$36,500

Carried: 7 ayes, 0 nays

200812B31

BY COUNCILMAN TAYLOR:

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

Section 1. Section 300-0106 of the Code of the City of Jamestown is hereby amended as follows:

§ 300-0106. Definitions.

BILLBOARD – (off-premise advertising sign) A sign which advertises a business, product or service which is not located on premises. Also referred to as an "off-premise outdoor advertising sign."

OFF-PREMISE ADVERTISING SIGN – An off-premise advertising sign is an identification, description or illustration which directs attention to a product, person, business, or service not offered or sold as the primary use, business, or activity on the premises where it is located.

Section 2. Section 300-0702 of the Code of the City of Jamestown is hereby amended as

follows:

§ 300-0702. Applicability.

Any off premise advertising signage (including but limited to billboards) which are erected, altered or relocated after the adoption of this article, shall comply with the regulations of this article. On-premise advertising, site, facility, and business identification are regulated under Article VII. In addition, prior to the erection, alteration or relocation of any nonexempt sign, a permit shall be obtained from the Building Inspector. All signs shall be regulated by their size, height, setback, number, type and design pursuant to this article. The regulations of this article shall not apply to the erection or placement of any state, county or City traffic control device or sign.

Section 3. Section 300-0711 of the Code of the City of Jamestown is hereby amended as follows:

§300-0711. Off Premise Advertising Signage.

Except as otherwise provided by this article, all off premise advertising signage shall be subject to the following standards:

- A. Off-premise advertising signage shall be permitted in the C-M, L-M and M Zones by right.
- B. No off-premise advertising signage shall be erected within 100 feet distance of any mechanical traffic control device or sign that regulates starting and stopping of vehicles.
- C. The size of allowable off-premise signage will be as follows:
 - Four-lane roadway: a maximum size of 250 square feet overall sign area.
 - Two-lane roadway: a maximum size of 125 square feet overall sign area.
- D. Maximum height for off-premise advertising signage shall be 24' from grade.
- E. A minimum clearance of 10 feet shall be maintained between the bottom of any portion of sign and grade.
- F. Separation from other off-premise signage shall be a minimum separation of 600' measured radially.
- G. No off premise advertising signage shall overhang a public right of way or required setback.
- H. No off premise advertising signage shall be mounted on a rooftop or overhang a rooftop or affixed to a structure.
- I. No off premise advertising signage shall be located on or over required parking or drive aisle.
- J. Off premise advertising signs may be illuminated; provided that the illumination shall be focused upon the sign itself, so as to prevent glare upon surrounding areas.
- K. Flashing signs, signs with intermittent illumination, or signs with mechanically or electronically changing messages or signs with animated parts shall not be permitted.
- L. No off premise advertising signage shall be located within 150' of a residential zone and a park.

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- M. A front yard setback shall be a minimum of 10' from the front property line.
- N. Side yard setbacks shall be a minimum of 10' from side property line.
- O. A minimum of 10' shall be required between any part of an off premise advertising sign, its support structure and the face of any building or structure.
- P. No part or portion of off premise advertising signage, including sign or support structure, shall be erected within the front yard setback directly in front of the principal building on a site.

Section 4. This ordinance amendment shall be effective December 23, 2008.

Carried: 7 ayes, 0 nays

OLD BUSINESS:

200812B32

BY COUNCILMAN TAYLOR:

LOCAL LAW NO. 2 OF 2008

A LOCAL LAW RELATIVE TO PARTIAL EXEMPTIONS FOR CERTAIN CAPITAL IMPROVEMENTS TO ONE AND TWO FAMILY RESIDENTIAL BUILDINGS

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

Section 1. Section 270-2 D. is hereby amended to read as follows:

Section 2. The value of such reconstruction, alteration or improvement exceeds three thousand dollars (\$3,000).

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

Carried: 7 ayes, 0 nays

Mayor Teresi stated that a Public Hearing regarding this local law would be held on January 5, 2009 at 9:00 A.M. in the City Council Chambers.

NEW BUSINESS

200812B33

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

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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 Parks, Recreation and Conservation 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) Parks Recreation Coordinator (funded in the 2009 General Fund Budget).

Carried: 7 ayes, 0 nays

200812B34

BY COUNCILMAN DOLCE:

RESOLVED, that the Jamestown City Council hereby authorized a Parking Ticket Amnesty Program for all license plate numbers that currently owe monies for parking violations to the City of Jamestown by resolution 200811A04, and be it

RESOLVED, that the Parking Ticket Amnesty Program allowed for the accumulated principal amount and 50% of the penalty amount to be paid to the City Treasurer's Office during the time period December 1, 2008 - December 31, 2008, and be it,

RESOLVED, that Parking Ticket Amnesty Program shall now be extended to January 31, 2009 in order to accommodate those individuals who wish to take part in this program to pay the principal amount and 50% of the penalty amount, and be it further

RESOLVED, that at the completion of the Parking Ticket Amnesty Program all unpaid charges will revert back to the principal and appropriate penalty amounts.

Carried: 7 ayes, 0 nays

Councilman Dolce: I just want to say I'm very happy tonight that we don't read these whole things anymore. When I first started on Council, we literally had to read the entire resolution and tonight we would be here and I would be hoarse by now so I'm glad that we streamlined the process of that. It saves us a lot of time and if we need to explain further what those mean, then we have the ability to do that, but for the most part we don't have to do that anymore. Merry Christmas to everybody and see you in January.

Council President Rabb: You may also hold the record for reading 22 resolutions this evening.

There being no further business, the meeting was adjourned.

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