

January 28, 2019

City Council

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Proceedings by Authority

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

A meeting of the City Council of the City of Jamestown, New York was held on Monday, January 28, 2019 at 7:30 p.m.

Members Present:     Council President Marie Carrubba, Council Members, Brent Sheldon, Tony Dolce, Vickye James, Maria Jones, Kim Ecklund, Andrew Liuzzo

Members Absent:     Councilman Tom Nelson

Others Present:     Mayor Samuel Teresi, Todd M. Thomas, Director of Administrative Services/City Clerk, City Comptroller Joe Bellitto, Director of Public Works Jeff Lehman, Captain Robert Samuelson, Deputy Fire Chief Sam Salemme, Corporation Counsel Marilyn Fiore-Lehman, Director of Development Vince DeJoy, Executive Assistant to the Mayor Matt Hanley, BPU General Manager Dave Leathers, Principal Planner Crystal Surdyk, DPW Fleet Admiral Pat Monaghan, Mayor’s Office Manager Leigh Anne Jordan, County Legislator Dave Wilfong

Council President Marie Carrubba called the meeting to order and led the assembly in the Pledge of Allegiance to the Flag.

The Invocation was given by Rev. Carolyn Stow of Kidder Memorial UMC.

Councilwoman James moved to approve the minutes from the December 17, 2018 meeting.

**MESSAGES FROM THE MAYOR**

201901A00.01

Mayor Teresi:           Thank you Madame President. I think everyone is aware that we have had a vacancy for the past month on the Jamestown City Council created by the unfortunate necessity for Councilwoman at Large, Vanessa Weinert to step aside. I would first of all like to recognize and thank her for her interest and love in this community and her time and her good work that she put forth as a member of the city council during her brief tenure. The vacancy created the need for us to follow our city charter process. The mayor, as Chief Executive Officer of the city, to bring forth, after a review period, a name and nomination for the city council to consider to fill the vacancy until the next regularly scheduled election which also times with the regular general

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election of 2019. So, the term would be for the remainder of this term and then there will be an election in November for a 2-year term moving forth from that point on. I want to also thank the members of the city council for your input and support through this process. It's been a very interesting and yet difficult process because we've had so many qualified individuals that have stepped forth and expressed interest to serve our great community. From a personal standpoint, it was very challenging and difficult because all eleven individuals that stepped forward to offer their services could have made good members of the city council. On one hand that is a very positive and welcome situation. On the other hand, it made it extremely difficult on me to narrow it down to one and ultimately to you as the legislative branch to take action.

After completion of that process, I'm happy to report that it would be my honor to bring forth in nomination, the name of Tamu Graham-Reinhardt for your consideration. Ms. Graham-Reinhardt has an impressive educational background; a Bachelor of Arts in Spanish Education from the State University of New York at Buffalo. I have to say with pride one of my almaters as well. She obtained, in 1997, her New York State Permanent Teacher's Certification, again in Spanish Education. In 1997 she also earned a Master of Arts degree in public Relations from Ball State University and in 2004 she earned her New York State District Administrator certification and put that to good work right here in our own terrific Jamestown Public School system. Prior to that, Ms. Graham-Reinhardt served as a Spanish teacher with the Southwestern Central School District from 1993 to 1995. Her position at the Jamestown Public School District was the Curriculum Coordinator of English and Second Language programs, World Languages, Social Studies programs, Advanced Learning programs and also the Hispanic Outreach Coordinator for the Jamestown Public School District. If that didn't keep her busy enough, she was also an adjunct instructor at our own terrific Jamestown Community College. A few years ago, she went to work in the private sector with West Ed, it's a national firm, curriculum development as well as school management advisory company and served as a facilitator for several school districts in this part of New York State from 2017 into June of 2018. She got the itch to get back into the classroom and has since been serving as a high school Spanish teacher at Falconer Central Schools. It is my pleasure to bring Tamu Graham-Reinhardt to you as my recommendation to fill the vacant council seat of Vanessa Weinert.

201901A00.02

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:

Tamu Graham-Reinhardt  
419 Crossman Street  
Jamestown, New York 14701

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to be appointed At-Large Councilwoman in and for the City of Jamestown, New York to fill the unexpired term of Vanessa Weinert, resigned.

The term for which said appointment is to be made will expire  
December 31, 2019.

Dated: January 28, 2019

Samuel Teresi  
Mayor of the City of Jamestown, New York

Councilman Dolce moved to suspend the rules and vote on the appointment.

Carried: 7 – 0

Councilman Dolce moved to approve the appointment.

Carried: 7 – 0

The Director of Administrative Services/ City Clerk administered the oath of office to Tamu Graham-Reinhardt.

Councilwoman Graham-Reinhardt took her seat on the council dais.

201901A00.03

**STATE OF THE CITY MESSAGE**  
**MAYOR SAM TERESI**  
**JANUARY 28, 2019**

Madam President, Members of the City Council, Department Heads, Guests and my fellow Jamestowners.

In accordance with Article IV, Chapter 31-C of the Jamestown City Charter, it is once again my pleasure to present to you this evening the annual “State of the City” report.

For your review and consideration, I have prepared and included the following items:

- A 23-page summary of 120 separate initiatives advanced during 2018 of which, each and every single item was crafted and implemented to provide our residents, businesses and tax payers the highest level of service at the least possible cost.

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- An ambitious 14-page, 64-item overview of the of the Administration's major goals and objectives for 2019.
- Various other supportive materials and documents pertaining to the subject matter of the 2018 and 2019 reports, as well as a written version of these remarks.

Please be advised that full copies of this comprehensive package may be found for public review and use at the following locations:

- Office of the Mayor, Fourth Floor, Municipal Building
- Office of the City Clerk, First Floor, Municipal Building
- James Prendergast Library, 508 Cherry Street
- The City of Jamestown's official website. [www.jamestownny.net](http://www.jamestownny.net).

In the interests of time, I am again going to forego the long and lengthy review of both 2018's accomplishments and the ambitious list of goals for 2019. I have the utmost confidence in the readers of these documents to comprehend and appreciate the significance and depth of the presented information... and to draw whatever conclusions and inspiration they deem appropriate.

As you are about to see, the items contained in the 2018 accomplishments report, represent but a mere sampling of the activities pursued and strides made though the collective efforts of the members of this City Council, the best municipal workforce in the nation and a broader community of resident volunteers, business operators, property owners and non-profit organization leaders, who truly care about and love this city, and sacrifice on a daily basis to make it all that it is capable of being.

Admittedly, in the past, I have been a bit negligent with providing deserved recognition to some very special people who, without their daily 24-7 efforts, much of what is in this report would have never happened, or will never occur. To these consummate professionals, it's not about power, personal gain or public recognition. But rather, it's about doing what is right for the City they love and the place they have chosen to make their home. Tonight, I'm going to rectify my past oversights, call out by name and publicly thank these hard working and special people. And, I am of course referring to the members of our outstanding administrative management team.

- City Comptroller, Joe Bellitto

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- Director of Administrative Services/City Clerk, Todd Thomas
- Corporation Counsel, Marilyn Fiore-Lehman
- Director of Public Safety/Chief of Police, Harry Snellings
- Recently retired, Deputy Fire Chief, Chet Harvey
- Current Deputy Fire Chief, Sam Salemm
- Director of Public Works, Jeff Lehman
- Director of Development, Vince DeJoy
- Board of Public Utilities General Manager, Dave Leathers
- City Assessor, Kevin Okerlund
- Director of Information and Technology, Mark Dean
- Recreation Coordinator, Julia Ciesla-Hanley
- Parks Manager, John Williams
- And last, but certainly not least, my internal office staff members, who not only work throughout the year with this amazing management team to deal with constituent issues in the city, but are also the individuals that labored long and hard on and are principally responsible for putting together this very comprehensive State of the City Report package.
  - Executive Assistant to the Mayor, Matt Hanley
  - Office Manager, Leigh Anne Jordan

Again, these are the folks that are directing and working with our great staff, helping people throughout the community and getting it done every single day.

While my remarks tonight will not entail a lengthy recitation of the dozens of initiatives and goals contained in the report package, there are a few areas of concern and critical importance that I would like to once again highlight and focus on tonight.

## **I. Education**

As local government representatives and concerned residents, we need to remain vested in and supportive of the efforts of our colleagues on Martin Road to protect, build upon, celebrate and market the attributes of our outstanding public school system and the young people they are molding into the leaders of tomorrow. Quite possibly, from a long-term standpoint, this may be the single most important thing that we can be doing to attract residents, businesses, jobs and tax base into our City.

On the higher education front, we must support the development and expansion of two of our most significant economic engines; Jamestown Business College (JBC) and Jamestown Community College (JCC).

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As one of the three regional sponsors of JCC, we, as a city government, must help advance efforts to once again blaze a new trail and enable the first and best community college in the state, to provide on-site, higher educational degree opportunities. Not only for residents of our immediate area, but also for the hundreds or even thousands of bright minds that are willing to journey here and become new, contributing members of our great community. And, when this does happen, it will clearly drive additional private investment opportunities and new jobs throughout the Greater Jamestown Region.

Today, 21<sup>st</sup> century businesses trade in and often rise and fall on access to human and so-called “intellectual capital.” And, higher-level colleges and universities are not only suppliers of that “intellectual capital”, but through what they also add to a community from a cultural, social, recreational goods/services standpoint, serve as powerful magnets for the type of people that companies today must have to succeed in the global marketplace.

Make no mistake about it. Higher education is to today’s knowledge and information based economy, what railroads, electrification and interstate highways were... and then some... to the economies of the last two centuries.

Unfortunately, Greater Jamestown is the single largest urban area in New York State and the only one in the “TOP TEN,” WITHOUT at least one major four year university or college offering Bachelor’s or Master’s level programs. And that needs to be rectified.

During the coming years, our collective voices need to be raised and our demands must be heard by those who have the ability to help us address our education and economic development needs.

To that end, we have been working closely with JCC President, Daniel DeMarte, several members of the college’s Board of Trustees and their outstanding professional and support staff team, to explore and pursue a variety of initiatives that will promote the growth and development of one of our region’s most important assets. This, in turn, will positively drive and impact the future of the entire Greater Jamestown area. Simply put, and make no mistake about it, what is good for JCC is good for the entire community.

## **II. Transportation**

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If people and product can not easily get to and from here, our ability to sustain and grow a vibrant local economy will eventually be destroyed.

What is now a safety hazard and an embarrassing impediment to commerce and development, can, should and must be transformed into a modern and attractive business thoroughfare...PERIOD! And, of course, I am referring to New York State Route 60.

If we aspire to grow our economy in the increasingly competitive 21<sup>st</sup> century, we must have a safe, efficient and inviting north-south traffic artery that connects our County's two major urban areas and our only two Interstate Highways. Furthermore, a Route 60 that has the capability of moving traffic in a modern, fast and safe fashion is absolutely essential if we are going to attract more commerce to our region from Pennsylvania, fully benefit from our proximity to both the flourishing Buffalo-Niagara and Canadian markets and encourage visitors to travel here and support our growing tourism and hospitality sectors.

An improved north-south highway would also provide much needed relief on other county and local roads that were not built or intended for the volume and type of heavy vehicle traffic that is presently being diverted from an insufficient and commerce-killing Route 60.

In recognition of all of this, our efforts at the state, county and local government levels must be redoubled to transform what is now a poorly designed, secondary road (that fails to be recognized by most maps, apps and travel guides), into Chautauqua County's Highway of Economic Opportunity, Investment and Growth.

Likewise, a region that offers absolutely no local and convenient commercial air service, can not be expected to sustain a viable hospitality and visitor industry component to the local economy.

As I have said before, while I would not want to try to develop a dynamic and viable local economy exclusively around tourism, I also do not relish the task of building that dynamic, diverse and viable economy without a strong tourism component in the mix.

As highlighted in tonight's report package, we must all intensify our efforts at the federal, state, county, local and private levels to re-establish, upgrade and support commercial air service at the Chautauqua County-Jamestown Airport.

### **III. Infrastructure and Capital Investment**

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During 2019, final preparations should be taken to launch a multi-million dollar Capital Infrastructure Improvement and Equipment Replacement Program to make investments in the type of long neglected items that will stimulate efficiencies and productivity in various city operations and thereby, reduce expenditures for taxpayers and city utility customers. A combination of municipal bond resources and outside funding will be pursued to advance this long needed initiative. Included in the plan, which is intended to help the City “get in front of the investment curve”, will be the following:

- a. Water main replacement and reconstruction.
- b. Sanitary sewer line replacement, reconstruction and slip lining.
- c. Significant storm water infrastructure upgrades.
- d. Investments in code compliance, energy conservation and structural improvements to the Municipal Building, fire stations and other city owned facilities.
- e. Establishment of a vehicle and equipment acquisition and replacement fund.
- f. Construction of a new central maintenance garage facility that will expand the level of equipment maintenance and repair services provided in house by the city’s certified vehicle technicians, thereby reducing expenditures for city taxpayers and ratepayers. This initiative, which was called for in a plan by Mercury Consultants (and paid for with a grant from the State Financial Restructuring Board), will also expand the city’s capability to offer its maintenance services to other public partners like the Jamestown School District, Jamestown Community College and neighboring municipalities.

#### **IV. Census 2020**

As U.S. Census data is utilized to determine everything from legislative

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reapportionment at all levels, to state sales tax, state aid and CDBG allocations, the importance of the upcoming 2020 Census process can not be OVER STATED.

During the coming year we must develop and launch a community based complete count effort to insure that the all-important tabulations for our city and region are as accurate and helpful as possible.

During my lifetime, Jamestown's official population count... like that of most urban centers across our state... has declined significantly. 1960 – 41,818, 1970 – 39,795, 1980 – 35,775, 1990 – 34,681, 2000 – 31,984 and 2010 – 31,146.

Prior to the 2010 Census, the 2008 Census Bureau estimates for Jamestown listed the population at about 27,000... which was a projected drop of nearly 5,000 or roughly 16% from the previous census in the year 2000.

Following the official 2010 Census (as flawed as it was), the actual reduction was only 835 or 2.6% ... a far cry from what the enumerator geniuses were warning about just a couple years earlier.

So what happened? Did more than 4,000 people move into the city or was there a baby boom at local hospitals during this two year window? Hardly!

Both our intuition and analysis indicate that:

1. The two year update projections via the US Department of Commerce (that utilize a variety of tax documents and other algorithms) are not worth the paper or computer chips they are written on.
2. Only the detailed decennial census process (as incomplete and flawed as it is) can give us a somewhat accurate glimpse into the number of folks actually living within a specific community.
3. Our very aggressive local Complete Count Committee initiatives... linked to very effective efforts by Census Bureau hired enumerators (selected from the local area)... really helped to drive the message and draw out the numbers in 2010.

While we still believe in our heart of hearts that Jamestown's final 2010 number of 31,146 was light (possibly by as much as 3,500 to 5,000 people), we also KNOW things could and would have been much worse had we, as a community, laid back, did nothing and let US Census Bureau nature take its course.

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Quite literally, we should be shaking in our boots today about the impending disaster we could all be facing in 2020... given the gross administrative incompetence and the nefarious political agendas at work at top levels of the Federal government.

Here in Jamestown (and across the state), we need to again do something dramatic and take a certain level of control over our own census destiny. We need to match and far exceed what we did in 2010... and this time, unfortunately, with little more than lip service from our “friends” at the Federal level.

New York State and local governments need to do what they have always done over the years... on so many fronts... when the Federal government has ignored and abdicated its responsibilities to protect and serve the people. We need to look out for our own interests. New York State and local governments need to step in and fill the void. New York State needs to fully fund and orchestrate a statewide strategy that assists efforts at the local level to drive numbers to their true and accurate levels. We need to do things for ourselves, when we can't count on others to do their jobs and take this process seriously. If we do, we will have a fighting chance. And, if we don't, we will all be crying in our political and economic beer for the next decade.

To my colleagues on the City Council, I have no doubt that there will be a very persistent contingent of folks telling us that the ambitious agenda contained in tonight's report will be impossible for us to achieve or make any headway with. And, we have all heard these common refrains, over and over again, throughout our times in public service.

- It's going to be impossible to change negative attitudes in this town.
- It's going to be impossible to improve these neighborhoods.
- Impossible... you can't bring that decrepit and soon to be dead Downtown back to life.
- It is going to be impossible to improve education, healthcare and the quality of life in this town and to bring in and keep good paying jobs.
- Given the current situation, it's impossible to restore and keep the city's finances on track.

And my personal favorite...

- I wouldn't do your impossible job for a million bucks.

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Despite what some may fear, think and even say, I can't bring myself... not for one moment... to believe and follow this form of extreme negativity.

This is a good town with good people. This is a place with incredible attributes and resources that, quite often, those of us who consider ourselves natives, apparently do not recognize or fully appreciate.

This is a tough and resilient town that has proven time and time again, that when its people pull and work together... when we serve in the interest of those around us and not ourselves... when we persist and persevere... when we do all of this with just the right type of positive attitude, inspiration and constructive leadership... there is literally nothing that we can't overcome and accomplish.

And, the proof is not in our words, but rather in our actions and results.

Do I believe that Jamestown's future can be even more promising than its past?

Absolutely! But we will make our future better only by realizing that we are all in this together. That everyone in this community and everything we do is carefully and inseparably connected. As someone once said, "We may have come here on different ships... but we are all in the same boat now!"

We in government also need to realize our own limited significance and true importance in the overall scheme of things. I have long believed that we alone in government can not solve the problems of the world. But we do maintain the unique opportunity and awesome responsibility to bring together and inspire others to do so.

The simple truth of the matter is that the answers to our problems... the keys to making this into the type of safe and dynamic place we all want it to be, are already in this room tonight.

They are also in the churches, schools, civic clubs, labor halls and business board rooms of this community. They are today... have been right along... and always will be. The challenge before us as elected officials, is first, to be smart enough to recognize this, and then, to figure out the ways in which to unlock and unleash the magic inherent in us all.

It's not going to be easy and the change we continue to seek will be hard... and sprinkled with periodic setbacks. But if we stay focused and agree to set our personal and self-serving agendas and differences aside, I believe that we can and will continue to make things even better.

And, with all the good that is currently happening, I am more positive and optimistic about the future for this city and our entire region, than I have been at any other time during my nearly four decades in public service.

On behalf of all of my colleagues, tonight, I ask the following of the residents, businesses and tax payers of this great community.

I ask for your understanding and patience. I also ask for your support and involvement.

I ask that you join us as we deal with all of the challenges, opportunities and excitement of an unknown future.

Join with us as we continue to work together, to bring fresh and new approaches to local government.

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Join with us as we work to realize the true meaning and benefits of real regional cooperation and development.

Join with us as we continue to build the Downtown of the future.

Join with us as we work to attract our young people back by seeking out and nurturing family sustaining jobs in our community.

Join us as we build bridges, not only over ravines and the magnificent river that winds its way through this beautiful city... but bridges to the countless groups and the thousands of individuals through whom the future of this place will truly be determined.

And, as our ancestors and leaders before us worked against all odds to transform an isolated back woods settlement into a wonderful and vibrant city... I ask that you join us as together we continue our journey... and make our rendezvous with the impossible.

Thank you.

Council President Carrubba: Thank you Mayor Teresi, well said.

201901A00.04

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:

George Spitale  
67 Camp Street  
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, 2021.

Dated: January 28, 2019

Samuel Teresi  
Mayor of the City of Jamestown, New York

201901A00.05

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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 J. Servis  
343 Camp Street  
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, 2021.

Dated: January 28, 2019

Samuel Teresi  
Mayor of the City of Jamestown, New York

201901A00.06

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:

Barclay O. Wellman  
1235 Prendergast Avenue  
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

January 28, 2019

December 31, 2021.

Dated: January 1, 2019

Samuel Teresi  
Mayor of the City of Jamestown, New York

201901A00.07

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:

Tamu Graham-Reinhardt  
419 Crossman Street  
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 to fill the unexpired term of Vanessa Weinert, resigned.

The term for which said appointment is to be made will expire

December 31, 2019.

Dated: January 28, 2019

Samuel Teresi  
Mayor of the City of Jamestown, New York

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201901A00.08

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:

James Ventura  
135 Hunter Street  
Jamestown, New York 14701

to be re-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, 2023.  
Dated: January 2019

Samuel Teresi  
Mayor of the City of Jamestown, New York

201901A00.09

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 Whitney Jr.  
41 Hallock Street  
Jamestown, New York 14701

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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, 2023.

Dated: January 28, 2019

Samuel Teresi  
Mayor of the City of Jamestown, New York

201901A00.10

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 Stravato II  
3 Lamont Street  
Jamestown, New York 14701

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

The term for which said appointment is to be made will expire

December 31, 2021.

Dated: January 1, 2019

Samuel Teresi  
Mayor of the City of Jamestown, New York

January 28, 2019

201901A00.11

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:

Mark Mills  
351 Baker Street  
Jamestown, New York 14701

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

The term for which said appointment is to be made will expire

December 31, 2021.

Dated: January 28, 2019

Samuel Teresi  
Mayor of the City of Jamestown, New York

201901A00.12

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:

Paul Andalora  
11 Gertrude Avenue  
Jamestown, New York 14701

to be re-appointed a member of the Planning Commission in and for the City of Jamestown, New York.

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The term for which said appointment is to be made will expire

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Dated: January 28, 2019

Samuel Teresi  
Mayor of the City of Jamestown, New York

201901A00.13

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:

Stephanie Camay  
315 Beechview Avenue  
Jamestown, NY 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 Richard Hanson, resigned.

The term for which said appointment is to be made will expire

December 31, 2020.

Dated: January 8, 2019

Samuel Teresi  
Mayor of the City of Jamestown, New York

201901A00.14

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:

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Peter G. Larson  
76 Pleasantview Drive  
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, 2021.

Dated: January 28, 2019

Samuel Teresi  
Mayor of the City of Jamestown, New York

201901A00.15

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 Merino  
38 Royal Avenue  
Jamestown, New York 14701

to be 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

December 31, 2019.

Dated: January 28, 2019

Samuel Teresi  
Mayor of the City of Jamestown, New York

January 28, 2019

Mayor Teresi: Madame President, if I could, at the pleasure of the council, I realize that that is a number of appointments that have just been laid on your desk and from my standpoint, if it's the pleasure of the council, to invoke regular order and lay them aside on the table and bring them back at the February meeting. I don't think that there's anything of a critical nature that they couldn't follow the regular tabling process if that's your desire tonight.

Councilman Dolce moved to suspend the rules and vote on the appointment.

Carried: 8 – 0

Councilman Dolce moved to approve the appointment.

Carried: 8 – 0

### **OPPORTUNITIES FOR PERSONS TO ADDRESS THE COUNCIL**

201901A00.16

Mr. Zabrodsky: My name is John Zabrodsky. I live at 2 Timber Lane here in Jamestown, New York and I'd like to notice and commend Mr. Teresi's points about the downtown and our educational system as well as some of the infrastructure things. But there's another area that I think there's an opportunity for the council to act. Over the past couple of years, the council has cut the James Prendergast Library's funding. In 2017 by \$250,000.00 and in 2018 by \$50,000.00. This is also a jewel of our community; it's an asset to our community. It lends to the intellectual property and the intellectual fervor here in the city. About 1,000 people a week use the James Prendergast Library, so that's about 52,000 people, obviously, that are going through its doors each and every year. So, how can we help the James Prendergast Library. Last year, and in the Post Journal article dated December 18<sup>th</sup>, last year, this council voted on February 26<sup>th</sup> to purchase a lawn mower by a vote of 9 – 0 for \$30,135.30, to rebuild a concession roof at a vote of 9 – 0 on April 30, 2018 for \$68,950.00. On May 21<sup>st</sup>, a painting project for \$111,700.00 and an additional roofing project for \$87,000.00 and finally on June 25<sup>th</sup> an additional \$940.00 at the Russell E. Diethrick Park. Those resolutions were sponsored by Councilpeople Ecklund, Nelson, Dolce and Nelson, all were voted on 9 – 0. So, that's a total of \$298,725.30. Given that there's not going to be baseball in Jamestown this year, the Perfect Game collegiate baseball team is not going to be here in Jamestown so I think that that affords an opportunity to find some of that money to give back to the Prendergast Library. That would be a fantastic use of contingency since most of the money that was voted on last year, of that nearly \$300,000.00 came from the contingency. Further, the lease payment – I believe that there's one additional lease payment that's due from ROC Ventures from Wisconsin. ROC Ventures also built a \$100 million complex in Franklin, Wisconsin. They had a \$35,000.00 a year lease for what they were doing at Russell E. Diethrick Park. I believe they owe one more year, \$35,000.00 on that lease. That

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would be a great start for helping the James Prendergast Library refund back and get some of the funding that it needs and help that jewel of the downtown. That's what I have to ask here in 2019. Thank you for your consideration and don't forget the James Prendergast Library. Thank you.

201901A00.17

Ms. Eula Sylvester: I want to talk about when they tell a lie on people that are supposed to help you and they want to fleece you. I want to make sure that the people in housing enforcement stay employed with the government and everything shutting down. I called them, housing code enforcement, ..... I'm going down to 822 Lafayette Street because this woman's got rain coming in her house, icicles, mold and she can't clean it up and we've come here to do something good. So, the nice little fireman came to my house and because the house is so bad, the police tore it up, but the people that came there to help me, they told a lie on me. They told a lie on housing code enforcement; and I want to know what to do to give them some power, so that little old ladies, like disabled people like me, can have someone to turn to and have their name not be scandalized, because the government is shutting down. Mr. Clevon Wofford told a lie on hazard code enforcement. They stole all my food, they continually harass me and hazard code enforcement, they told a lie on them, they told a lie and I would like to know how to stand up for the right thing because right is right and wrong is wrong. And this is a local government and I'm asking this council what it is that I can do to stand up because this is America and I do have the right to stand up and ask this council what it is that we can do in this town – Martin Luther King, I have a dream, I've been to the mountaintop, but he'd be ashamed of this black on black racism. Because that's what it is. They told a lie on this woman. They told a lie on housing code enforcement, they stole my stuff, they .....me, they took my stuff and they lied on these people. Housing code enforcement needs more power because they didn't tell them, not one day did they write it down on paper and say go and take this old lady, disabled lady, stuff for the winter. Don't you say nothing about these icicles growing in your house and water in there. These people didn't write that, they didn't say that, I want to know how to put a stop to it. Because if you don't, I will. I'm not scared of these bullies and I'm here to tell council that code enforcement is going to have some rule here. ....in the name of Jesus. All I ever wanted to be in my life was a missionary and I've been at it for 42 years and I guess one more year won't hurt me because when I get finished with this village, they won't lie on code enforcement and when they come to rescue somebody that stuff is blowing up; we have no heat, no light, they took all my heat.....people from code enforcement. All I did was call this landlady, Ms. Jan, she was going to enforce the rules and what do I get? A bunch of bullies. The problem is, you want to fix Jamestown, stand up to the bullies and you tell them we're not going to do this anymore, we're going to be happy here and I don't care what they do to me.....good for all of you. I'm going to pray for you all. You have a good night and you pray for code enforcement so they can have more power and you won't have rain and icicles, can't get warm, no heat, no light.

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**STANDING COMMITTEES**

**FINANCE COMMITTEE**

201901A01

BY COUNCILWOMAN ECKLUND:

RESOLVED, That bills be audited and warrants drawn on the proper funds in payment of the respective amounts, totals as follows: General Fund, Capital Fund, Special Revenue Fund and Trust & Agency Fund \$6,981,362.05

in accordance with the period ending January 25, 2019 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 \$5,062,225.97 and payrolls in the total amount of \$1,919,136.08 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 – 0 (Graham-Reinhardt abstaining on all further votes)

201901A02

BY COUNCILWOMAN ECKLUND:

RESOLVED, That warrants be drawn and paid to the respective owners and paying agents the sum of Two Hundred Eleven Thousand, Two Hundred Eighty-One Dollars and Twenty-Seven cents (\$211,281.27) in accordance with the bond and note requirements as follows:

Public Improvement Bonds Series A, issue of April 22, 2015, One Hundred Sixty Thousand Dollars (\$160,000.00) principal and Fifty-One Thousand, Two Hundred Eighty-One Dollars and Twenty-Seven Cents (\$51,281.27) for six months interest at 3.00% per annum on Three Million, Four Hundred Ninety Thousand Dollars (\$3,490,000.00).

Carried: 6 – 1 (Liuzzo, nay)

201901A03

BY COUNCILWOMAN ECKLUND:

RESOLVED, That warrants be drawn and paid to the respective owners and paying agents the sum of Four Hundred, Twenty-Two Thousand, Nine Hundred Eighty-Seven Dollars and Fifty Cents (\$422,987.50) in accordance with the bond and note requirements as follows:

Public Improvement Bonds, issue of November 19, 2013, defeasance of 2004 Chautauqua County IDA bonds, Three Hundred Fifty Thousand dollars (\$350,000.00) principal and Seventy-

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Two Thousand, Nine Hundred Eighty-Seven Dollars and Fifty Cents (\$72,987.50) for six months interest at 2.00% per annum on Four Million Five Hundred Fifty Thousand Dollars (\$4,550,000.00).

Councilman Liuzzo: I have a comment. We borrowed money during 2013, 2015, but we didn't have any money. And now we're paying back just the interest on this money. If I would have been here, I would have voted no on that. You should have found a way to make some cuts besides going more broke, borrowing money that we can't afford to pay. So, I will be voting no on these resolutions for that reason.

Councilman Dolce: Just a point of comment here; when these come up, we're actually saving money by refinancing these. That's what we're doing. If you were here at the time, you'd have the option to vote no. You were not here at the time. These were bonds, borrowing money, for several projects, equipment, other projects in the city and by doing this, we're actually saving several thousand dollars a year. Is that correct Mr. Bellitto?

Mr. Bellitto: (Inaudible)

Carried: 6 – 1 (Liuzzo, nay)

201901A04

BY COUNCILWOMAN ECKLUND:

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 Fire 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 hiring freeze instituted by resolution number 200201C03 and resolution number 200611B17 and authorizes the filling of the following position due to the essential nature of the position.

- Three Firefighters Jamestown Fire Department (Funded in the 2019 General Fund Budget).

Carried: 7 – 0

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201901A05

BY COUNCILWOMAN ECKLUND:

RESOLVED, That the City Council of the City of Jamestown hereby adopts the attached Investment Policy as the official Investment Policy for the City of Jamestown, effective immediately.

Councilman Liuzzo: Excuse me, Madame President. We already have an official investment policy that was attached to the information Mr. Thomas sent it to you. So, what are we adopting if we already have it?

Council President Carrubba: We're required to adopt it on an annual basis.

Councilman Dolce: There was no change in it. This is a routine we have to do every year.

A question was asked by the press regarding resolution 201901A05 and the number of firefighters that were being hired.

Councilman Dolce: Originally it was two, but there are now three vacancies. They are all three budgeted. It's no addition to the workforce. There were two vacancies, there is now a third vacancy. We're three down, so we're adding three.

Carried: 7 – 0

201901A06

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 residential housing code enforcement and rehabilitation, commercial building code enforcement, neighborhood preservation and improvement, zoning activities, community planning, grant administration, 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

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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 2019 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 an administration of housing and economic development grant programs including, but not limited to; HUD's CDBG and HOME Program entitlements; the NYS Brownfield Opportunity Area 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 2019 a lump sum that shall not be less than \$410,000 and provide an in-kind 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 – 0

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201901A07

BY COUNCILMAN DOLCE:

RESOLVED, That Deputy Fire Chief Samuel Salemme be and he hereby is authorized to attend the New York State Career Fire Chiefs of New York State Meeting in Batavia, New York, January 15 – 16, 2019, with expenses paid pursuant to Section 77-b of the General Municipal Law.

Councilman Dolce: Just a note that you've already been there. We had to wait until now to approve it.

Carried: 7 – 0

201901A08

BY COUNCILMAN DOLCE:

RESOLVED, That Firefighter Jeffery Hatch be and he hereby is authorized to attend the Principle of Instruction January 12 –13, 2019 and Fire Instructor from February 4-8, 2019, to be held in Montour Falls, New York, with expenses paid pursuant to Section 77-b of the General Municipal Law.

Councilman Dolce: Just a quick comment that the original resolution only had the one thing that he was attending. Now there is a second one to it that didn't make it in time to be on the original agenda.

Carried: 7 – 0

201901A09

BY COUNCILMAN DOLCE:

RESOLVED, That Firefighter Emily Webster be and she hereby is authorized to attend the Introduction to Fire Investigation in Montour Falls, New York, January 28 – February 1, 2019, with expenses paid pursuant to Section 77-b of the General Municipal Law.

Carried: 7 – 0

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201901A10

BY COUNCILMAN DOLCE:

REFUNDING BOND RESOLUTION, DATED JANUARY 28, 2019, AUTHORIZING THE ISSUANCE OF REFUNDING SERIAL BONDS OF THE CITY OF JAMESTOWN, IN THE COUNTY OF CHAUTAUQUA, STATE OF NEW YORK, PURSUANT TO SECTION 90.10 OF THE LOCAL FINANCE LAW OF THE STATE OF NEW YORK, PROVIDING FOR OTHER MATTERS AND MAKING CERTAIN DETERMINATIONS IN RELATION THERETO AND PROVIDING FOR THE PAYMENT OF THE BONDS TO BE REFUNDED THEREBY.

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WHEREAS, the City of Jamestown, located in the County of Chautauqua, State of New York (the “City”) previously issued \$800,000 principal amount of Public Improvement Serial Bonds, Series 2006D (the “2006D Refunded Bonds”) pursuant to a certificate of determination of the Director of Administrative Services of the City (sometimes referred to herein as the “Chief Fiscal Officer”), which 2006D Refunded Bonds are dated February 3, 2006 and matured or mature in annual installments on February 15 in each of the years 2007 to 2026, inclusive, as follows:

\$10,000 in the year 2007,  
\$30,000 in the year 2008,  
\$30,000 in the year 2009,  
\$30,000 in the year 2010,  
\$30,000 in the year 2011,  
\$35,000 in the year 2012,  
\$35,000 in the year 2013,  
\$35,000 in the year 2014,  
\$35,000 in the year 2015,  
\$40,000 in the year 2016,  
\$40,000 in the year 2017,  
\$40,000 in the year 2018,  
\$45,000 in the year 2019,  
\$45,000 in the year 2020,  
\$45,000 in the year 2021,  
\$50,000 in the year 2022,

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\$50,000 in the year 2023,  
\$55,000 in the year 2024,  
\$60,000 in the year 2025, and  
\$60,000 in the year 2026

WHEREAS, the 2006D Refunded Bonds were authorized pursuant to one or more bond resolutions duly adopted by the Council of the City for the objects or purposes described therein and delegated to the Chief Fiscal Officer the power to prescribe the terms, form and contents of and to sell and deliver such serial bonds of the City; and

WHEREAS, \$410,000 aggregate principal amount of the 2006D Refunded Bonds currently remain outstanding and unredeemed as of the date hereof; and

WHEREAS, it is hereby determined to be in the public interest of the City to refund all or a portion of said outstanding 2006D Refunded Bonds, by the issuance of the refunding bonds authorized herein pursuant to Section 90.10 of the Local Finance Law; and

WHEREAS, the City previously issued \$7,665,000 principal amount of Public Improvement Serial Bonds, Series 2010A (the "2010A Refunded Bonds") pursuant to a certificate of determination of the Director of Administrative Services, which 2010A Refunded Bonds are dated June 5, 2010 and matured or mature in annual installments on June 15 in each of the years 2011 to 2030, inclusive, as follows:

\$170,000 in the year 2011,  
\$350,000 in the year 2012,  
\$365,000 in the year 2013,  
\$380,000 in the year 2014,  
\$395,000 in the year 2015,  
\$410,000 in the year 2016,  
\$430,000 in the year 2017,  
\$445,000 in the year 2018,  
\$465,000 in the year 2019,  
\$485,000 in the year 2020,  
\$505,000 in the year 2021,  
\$530,000 in the year 2022,  
\$550,000 in the year 2023,  
\$570,000 in the year 2024,  
\$600,000 in the year 2025,  
\$185,000 in the year 2026,  
\$195,000 in the year 2027,  
\$205,000 in the year 2028,  
\$210,000 in the year 2029, and  
\$220,000 in the year 2030

WHEREAS, the 2010A Refunded Bonds were authorized pursuant to one or more bond resolutions duly adopted by the Council of the City for the objects or purposes described therein and

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delegated to the Chief Fiscal Officer the power to prescribe the terms, form and contents of and to sell and deliver such serial bonds of the City; and

WHEREAS, \$4,720,000 aggregate principal amount of the 2010A Refunded Bonds currently remain outstanding and unredeemed as of the date hereof; and

WHEREAS, it is hereby determined to be in the public interest of the City to refund all or a portion of said outstanding 2010A Refunded Bonds, by the issuance of the refunding bonds authorized herein pursuant to Section 90.10 of the Local Finance Law; and

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF JAMESTOWN, IN THE COUNTY OF CHAUTAUQUA, STATE OF NEW YORK (BY THE AFFIRMATIVE VOTE OF NOT LESS THAN TWO-THIRDS OF THE VOTING STRENGTH OF THE COUNCIL OF THE CITY), AS FOLLOWS:

Section 1. For the purpose of refunding all or a portion of the (i) \$410,000 outstanding principal amount of the 2006D Refunded Bonds and (ii) \$4,720,000 outstanding principal amount of the 2010A Refunded Bonds (together with the 2006D Refunded Bonds, the "Refunded Bonds"), providing moneys which, together with the interest earned from the investment of certain of the proceeds of the refunding bonds herein authorized shall be sufficient to pay the refunded principal amount of the Refunded Bonds; (i) the aggregate amount of the unmatured interest payable on the Refunded Bonds to and including the date on which any series of the Refunded Bonds which are callable are to be redeemed prior to their respective maturities in accordance with the Refunding Financial Plan (as hereinafter defined) and attached hereto as Exhibit B and made a part of this Resolution; (ii) the costs and expenses incidental to the issuance of the Series 2019 Refunding Bonds (the "Refunding Bonds") as hereinafter authorized and as described in Exhibit B, including without limitation, the development of the Refunding Financial Plan, costs and expenses of executing and performing the terms and conditions of the Escrow Contract (as hereinafter defined), and any securities supply contract, the premium with respect to any bond insurance policy or policies acquired with respect to the Refunding Bonds (as defined below), discount or compensation of underwriters, fees of bond counsel and financial advisors, rating agency fees, printing and service agency fees and expenses, and fees and charges of the Escrow Holder (as hereafter described); and (iii) the redemption premium, if any, to be paid on any series of the Refunded Bonds which are to be called prior to their respective maturities; there are hereby authorized to be issued in one or more series not exceeding \$5,000,000 aggregate principal amount of refunding serial bonds of the City pursuant to the provisions of Section 90.10 of the Local Finance Law, it being anticipated that the amount of Refunding Bonds actually to be issued will be approximately \$4,820,000 as provided in Section 4 hereof. The proposed principal amounts and dates of maturity of such Refunding Bonds are set forth in the Refunding Financial Plan attached hereto.

Section 2. It is hereby determined pursuant to Section 90.10 that:

(a) the maximum amount of the Refunding Bonds authorized to be issued pursuant to this Resolution does not exceed the limitation imposed by subdivision 1 of paragraph (b) of Section 90.10 of the Local Finance Law with respect to each series of the Refunded Bonds;

(b) the aggregate amount of estimated present value savings computed in accordance with subparagraph (a) of subdivision 2 of paragraph b of Section 90.10 of the Local Finance Law is

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not expected to be less than three percent (3.0%) of debt service on the Refunded Bonds paid to stated maturity.

(c) The Director of Administrative Services is hereby authorized and directed to enter into an escrow contract (the "Escrow Contract") with a bank or trust company located and authorized to do business in this State as the Director of Administrative Services shall designate (the "Escrow Holder") for the purpose of having the Escrow Holder act, in connection with the Refunding Bonds, as the escrow holder to perform the services described in Section 90.10 of the Local Finance Law. In addition, the Escrow Contract may include a forward supply or purchase contract or agreement as part thereof or as a separate agreement for the provision of acquiring obligations of the United States of America or unconditionally guaranteed by the United States of America or other obligations or instruments qualified under Section 90.10 of the Local Finance Law or may be necessary for the completion of the Refunding Financial Plan. The Escrow Contract shall contain such terms and conditions as shall be necessary or required, including terms and conditions required for the completion of the Refunding Financial Plan, including provisions for the Escrow Holder, without further authorization or direction from the City Council of the City, except as otherwise provided therein, including, without limitation, (i) to make all required payments of principal, interest and any redemption premiums to appropriate paying agents with respect to the Refunded Bonds, (ii) to pay costs and expenses incidental to the issuance of the Refunding Bonds, including the development of the Refunding Financial Plan, and of executing and performing the terms and conditions of the Escrow Contract by the Escrow Holder, (iii) at the appropriate time or times, to cause to be given on behalf of the City in the manner provided by law the notice of redemption authorized to be given pursuant to Section 8 hereof, and (iv) to invest the moneys held by the Escrow Holder pursuant to the terms of the Escrow Contract and consistent with the provisions of the Refunding Financial Plan. The Escrow Contract shall be irrevocable and shall constitute a covenant with the owners of the Refunding Bonds.

(d) The proceeds, inclusive of any premium, from the sale of the Refunding Bonds, immediately upon receipt, shall be placed in escrow by the City with the Escrow Holder pursuant to the terms of the Escrow Contract. All moneys held by the Escrow Holder shall be invested only in direct obligations of the United States of America, in obligations the principal of and interest on which are unconditionally guaranteed by the United States of America or in obligations or instruments qualified under Section 90.10 of the Local Finance Law, which obligations or instruments shall mature or be subject to redemption at the option of the Escrow Holder not later than the respective dates when such moneys will be required to make payments in accordance with the Escrow Contract and the Refunding Financial Plan. Any such moneys remaining in the custody of the Escrow Holder after the performance in full of the Escrow Contract by the Escrow Holder shall be returned to the City and shall be applied by the Director of Administrative Services to the payment of the principal of or interest on the Refunding Bonds then outstanding, to the payment of any amounts required to be paid to the United States of America in connection of with the refunding of the Refunding Bonds or to the payment of or reimbursement for the costs of issuance or other administrative costs incurred in connection with the issuance of the Refunding Bonds. In connection with the investment of moneys held by the Escrow Holder under the Escrow Contract, the Director of Administrative Services is authorized to execute on behalf of the City any forward

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purchase or supply contract for the purchase or supply of the securities described in this subsection (d) at a date subsequent to the delivery of the Refunding Bonds, as is needed to accomplish the purposes of the Refunding Financial Plan.

Section 3. It is hereby determined that the maximum period or periods of probable usefulness permitted by law at the time of the issuance of the Refunded Bonds for each of the objects or purposes for which the Refunded Bonds were issued is no less than as shown in the Certificate of Determination of the Director of Administrative Services, incorporated herein by reference, taking into account the earlier of the original date of issuance of any such series of serial bonds or bond anticipation notes funded by such series of Refunded Bonds; and

Section 4. The financial plan for the refunding authorized by this Resolution (the "Refunding Financial Plan"), showing the sources and amounts of all moneys required to accomplish such refunding, the estimated present value of the total debt service savings and the basis for the computation of the aforesaid estimated present value of total debt service savings, are set forth in Exhibit B attached hereto and made a part hereof. The Refunding Financial Plan has been prepared based upon the assumption that the Refunding Bonds will be issued in the aggregate principal amount of \$4,820,000 if fully issued and will mature, be of such terms, and bear such interest as set forth in the Refunding Financial Plan. The Council of the City recognizes that the principal amount of the Refunding Bonds, the series, maturities, terms, interest rate or rates borne by the Refunding Bonds, the provisions for redemption thereof prior to maturity and whether or not all of the Refunding Bonds will be insured, and the resulting present value savings are likely to vary from such assumptions and that the Refunding Financial Plan will likely vary from that attached hereto as Exhibit B. The Director of Administrative Services is hereby authorized and directed to determine the principal amount of the Refunding Bonds to be issued, the series and designation or designations thereof, including the authority to issue such obligations on the basis of substantially level or declining annual debt service, the time or times of the sale thereof, the maturities and terms thereof, the provisions relating to the redemption of the Refunding Bonds prior to maturity, if any, the rate or rates of interest to be borne thereby, whether or not the Refunding Bonds will be insured in whole or in part or uninsured, and to prepare, or cause to be provided, a final Refunding Financial Plan, all in accordance herewith, and all powers in connection therewith may be exercised by the Director of Administrative Services; provided, that the terms of the Refunding Bonds to be issued, including the rate or rates of interest borne thereby, shall comply with the requirements of Section 90.10 of the Local Finance Law. The Director of Administrative Services shall file a copy of a certificate determining the details of the Refunding Bonds and the final Refunding Financial Plan with the City Clerk within ten (10) days after the delivery of the Refunding Bonds, as herein provided.

Section 5. The faith and credit of the City are hereby irrevocably pledged to the payment of the principal of and interest on the Refunding Bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on the Refunding Bonds becoming due and payable in such year. To the extent that the same are not paid from other sources, there shall be annually levied on all the taxable real property in the City a tax sufficient to pay the principal of and interest on the Refunding Bonds as the same become due and payable.

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Section 6. Proceeds from the sale of the Refunding Bonds, including any accrued interest and, together with interest earned thereon, which shall be required for the payment of the principal of and interest on the Refunded Bonds, including any redemption or call premiums, in accordance with the Refunding Financial Plan, shall be irrevocably committed and pledged to such purpose and the owners of the Refunded Bonds shall have a lien upon such moneys and the investments thereof held by the Escrow Holder. The pledge and lien provided by this Resolution shall become valid and binding upon the issuance of the Refunding Bonds and the moneys and investments held by the Escrow Holder shall immediately be subject thereto without any further act. Such pledge and lien shall be valid and binding against all parties having claims of any kind in tort, contract, equity, at law or otherwise against the City irrespective of whether such parties have notice thereof. Neither this Resolution, the Escrow Contract, nor any other instrument relating to such pledge and lien, need be filed or recorded.

Section 7. In accordance with the terms of the Refunded Bonds and the provisions of Section 53.00 and of paragraph (h) of Section 90.10 of the Local Finance Law, and subject only to the issuance of the Refunding Bonds, as herein authorized, the City hereby elects to call in and redeem (i) all or a portion of the 2006D Refunded Bonds maturing on and after February 15, 2020 on or after April 18, 2019 and (ii) all or a portion of the 2010A Refunded Bonds maturing on and after June 15, 2020 on or after June 15, 2019. The sum to be paid therefor on such redemption dates shall be the par value thereof plus the redemption premium, if any, as provided in the issuance proceedings for the Refunded Bonds and the accrued interest to such redemption date. The Escrow Holder is hereby authorized and directed to cause notice of such call for redemption to be given in the name of the City in the manner and within the times provided in the issuance proceedings for the Refunded Bonds. Such notice of redemption shall be in substantially the form attached to the Escrow Contract. Upon the issuance of the Refunding Bonds, the election to call in and redeem the applicable portion of the Refunded Bonds and the direction to the Escrow Holder to cause notice thereof to be given as provided in this paragraph shall become irrevocable, provided that this paragraph may be amended from time to time as may be necessary in order to comply with the notice, requirements of paragraph (a) of Section 53.00 of the Local Finance Law, or any successor law thereto. It is hereby determined that with respect to the series of Refunded Bonds to be called in and redeemed as provided in this Section 7, it is to the financial advantage of the City not to charge, impose and collect or receive from registered owners of the Refunded Bonds mailing, shipping, insurance or other similar charges in connection with such redemption or calls. Accordingly, pursuant to paragraph (c) of Section 70.00 of the Local Finance Law, no such charges shall be so charged, collected or received by the Chief Fiscal Officer, as fiscal agent.

Section 8. The Refunding Bonds shall be sold at either a private sale or public sale. If sold at private sale, the Director of Administrative Services of the City is hereby authorized to execute a purchase contract on behalf of the City for the sale of the Refunding Bonds, provided that the terms and conditions of such sale shall be approved by the State Comptroller and further provided that, prior to the issuance of the Refunding Bonds the Director of Administrative Services shall have filed with the Council of the City a certificate approved by the State Comptroller pursuant to subdivision 2 of paragraph (g) of Section 90.10 of the Local Finance Law setting forth the present value savings to the City resulting from the issuance of the Refunding Bonds. In connection with

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such sale, the Council of the City hereby authorizes the preparation of an Official Statement and approves its use in connection with such sale, and further consents to the distribution of a Preliminary Official Statement prior to the date said Official Statement is executed and available for distribution, all in accordance with applicable State and Federal securities laws, rules and regulations.

Section 9. The City Council of the City hereby appoints the law firm of Squire Patton Boggs (US) LLP of New York, New York, as bond counsel in connection with the issuance and sale of the Refunding Bonds. The City Council of the City hereby appoints the firm of Capital Markets Advisors, LLC as financial advisor in connection with the issuance and sale of the Bonds. The power to appoint the Escrow Holder, as that term is referred to herein, and a senior managing underwriter for the sale of the Refunding Bonds if sold at private sale, is hereby delegated to the Director of Administrative Services of the City, as chief fiscal officer of the City.

Section 10. Each of the Refunding Bonds authorized by this Resolution shall contain the recital of validity prescribed by Section 52.00 of the Local Finance Law and the Refunding Bonds shall be general obligations of the City, payable as to both principal and interest by a general tax upon all the taxable real property within the City, without limitation as to rate or amount.

Section 11. The Director of Administrative Services, pursuant to Sections 50.00, 90.00, 90.10 and 168.00 of the Local Finance Law, and all other officers, employees and agents of the City are hereby authorized and directed for and on behalf of the City to execute and deliver all certificates and other documents, perform all acts and do all things required or contemplated to be executed, performed or done by this Resolution or any document or agreement approved hereby, including to correct or amend the documents and certificates authorized to complete the transactions contemplated by this Resolution.

Section 12. All other matters pertaining to the terms, issuance and sale of the Refunding Bonds, consistent with the provisions of Section 90.10 of the Local Finance Law, shall be determined by the Director of Administrative Services, and the powers in connection therewith not otherwise heretofore delegated thereto are hereby delegated to the Director of Administrative Services.

Section 13. The City intends to issue the obligations authorized by this Resolution to finance the costs of the purposes described herein for the completion of the Refunding Financial Plan. The City covenants for the benefit of the holders of the Refunding Bonds that it will not make any use of (a) the proceeds of the Refunding Bonds, any funds reasonably expected to be used to pay the principal of or interest on the Refunding Bonds or any other funds of the City, and (b) the purposes financed with the proceeds of the Refunding Bonds, which would cause the interest on which to become subject to Federal income taxation under the Internal Revenue Code of 1986, as amended (the "Code") (except for the federal 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 the Refunding Bonds or the proceeds thereof, if such action or omission would cause the interest on the Refunding Bonds to become subject to Federal income taxation under the Code (except for the federal 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

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effect notwithstanding the defeasance of the Refunding Bonds or any other provision hereof until the date which is sixty (60) days after the final maturity date or earlier prior redemption date thereof. The proceeds of the Refunding Bonds may be applied to reimburse expenditures or commitments made for the purposes on or after a date which is not more than sixty (60) days prior to the adoption date of this Resolution by the City.

Section 14. For the benefit of the holders and beneficial owners from time to time of the Refunding Bonds, the City agrees, in accordance with and as an obligated person with respect to the Refunding Bonds 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 Administrative Services 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 City Clerk, which shall constitute the continuing disclosure agreement made by the City for the benefit of holders and beneficial owners of the Refunding Bonds in accordance with the Rule, with any changes or amendments that are not inconsistent with this Resolution and not substantially adverse to the City and that are approved by the Director of Administrative Services, 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 Administrative Services 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 Administrative Services shall consult with, as appropriate, the Corporation Counsel and bond counsel or other qualified independent special counsel to the City and shall be entitled to rely upon any legal advice provided by the Corporation Counsel or such bond counsel or other qualified independent special counsel in determining whether a filing should be made.

Section 15. The validity of the Refunding Bonds may be contested only if such obligations are authorized for objects or purposes for which the City is not authorized to expend money, or the provisions of law which should be complied with at the date of the publication of this 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 publication, or if said obligations are authorized in violation of the provisions of the Constitution of New York.

Section 16. When this Resolution takes effect, it shall be published in full by the City Clerk, together with a notice in substantially the form prescribed by Section 81.00 of the Local Finance Law, and such publication shall be in the Post-Journal, a newspaper having a general circulation in the City and which is hereby designated as the official newspaper of the City for such purpose.

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Section 17. Pursuant to Section 90.10 of the Local Finance Law, this Resolution shall be effective immediately upon adoption by the City Council, notwithstanding any provision of the City Charter to the contrary as no new indebtedness will be incurred.

Exhibit A to the Refunding Bond Resolution,

Dated January 28, 2019

of the City of Jamestown, State of New York

\_\$4,820,000 Public Improvement Refunding Serial Bonds, Series 2019 - Estimated Debt Service

<u>Maturity Date</u>	<u>Principal Amount</u>
6/1/2019	\$ 85,000
6/1/2020	585,000
6/1/2021	595,000
6/1/2022	615,000
6/1/2023	620,000
6/1/2024	635,000
6/1/2025	665,000
6/1/2026	240,000
6/1/2027	190,000
6/1/2028	195,000
6/1/2029	195,000
6/1/2030	200,000

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CITY OF JAMESTOWN  
CHAUTAUQUA COUNTY, NEW YORK

ESTOPPEL NOTICE

The Resolution published herewith was adopted by the City Council of the City of Jamestown, located in the County of Chautauqua, State of New York (the "City") on January 28, 2019. The validity of the obligations authorized by this Resolution may be hereafter contested only if such obligations were authorized for an object or purpose for which the City is not authorized to expend money or if the provisions of law which should have been complied with as of the date of publication of this notice, were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of publication of this Resolution, or such obligations were authorized in violation of the provisions of the Constitution of the State of New York.

Date: February 6, 2019

/s/ Todd Thomas  
**TODD THOMAS**  
City Clerk  
City of Jamestown  
Jamestown, New York

Carried: 7 – 0

**PUBLIC WORKS COMMITTEE**

201901A11

BY COUNCILMAN SHELDON:

WHEREAS, a project for the Steele Street over storm drain, culvert lining, P.I.N. 5763.03 (the "Project") is eligible for reimbursement of qualified costs from Bridge NY funding that calls for the post-reimbursement apportionment of the qualified costs to be borne at the ratio of 100% Bridge NY funds and 0% non-Bridge NY funds, and

WHEREAS, the City of Jamestown will design, let, and administer all phases of the Project.

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WHEREAS, the City of Jamestown desires to advance the Project by making a commitment of 100% of the costs of the work for the Project or portions thereof.

NOW, THEREFORE, the Jamestown City Council duly convened does hereby

RESOLVED, that the Jamestown City Council hereby approves the Project; and it is hereby further

RESOLVED, that the Jamestown City Council hereby authorizes the City of Jamestown to pay 100% of the cost of the work for the Project or portions thereof, with the understanding that qualified costs will be reimbursed from the Bridge NY funding; and it is further

RESOLVED, that the sum of \$340,000 is hereby appropriated from the General Fund and made available to cover the cost of participation in the above phase of the Project; and it is further

RESOLVED, that the Jamestown City Council hereby agrees that the City of Jamestown shall be responsible for all costs of the Project, including costs which exceed the amount of the reimbursement available from the NY Bridge Funding awarded to the City of Jamestown; and it is further

RESOLVED, that in the event the costs of the Project exceed the amount appropriated above, the City of Jamestown shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the Mayor thereof, and it is further

RESOLVED, that the Jamestown City Council hereby agrees that the City of Jamestown hereby commits that construction of the Project shall begin no later than twenty-four (24) months after award and the construction phase of the Project shall be completed within thirty (30) months; and it is further

RESOLVED, that the Mayor of the City of Jamestown be and is hereby authorized to execute all necessary agreements, certifications or reimbursement requests with NYSDOT for State Aid and/or Bridge NY funding on behalf of the City of Jamestown in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's funding of the Project costs, and it is further

RESOLVED, that the City of Jamestown will be responsible for all maintenance of the Project; and it is further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project; and it is further

RESOLVED, this Resolution shall take effect immediately.

Carried: 7 – 0

201901A12

BY COUNCILMAN SHELDON:

RESOLVED, that the Mayor be and he hereby is authorized to execute an agreement with Davey Resource Group for a twenty-five thousand-dollar (\$25,000.00) grant regarding tree

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surveying, inventory, service and management. Funds to be one hundred percent (100%) reimbursed by the New York State Department of Environmental Conservation (NYSDEC), subject to the approval of Corporation Counsel as to form.

Carried: 7 – 0

**PUBLIC SAFETY COMMITTEE**

**NEW BUSINESS**

201901A13

BY COUNCILMAN DOLCE:

RESOLVED, that the Mayor be and he hereby is authorized to enter into a lease agreement with the Frewsburg Soccer Club, 2665 Widdy Bostick Rd. Jamestown, NY 14701 for the lease of the Allen Park Ice Arena located in the City of Jamestown to be used for indoor recreation purposes, for the lease amount of \$1.00 per year, for four years. Said agreement shall be subject to approval as to form by the office of the Corporation Counsel.

Carried: 7 – 0

Council President Carrubba: I would just like to say in closing that for those of you who were able to attend the Martin Luther King celebration at Emmanuel Baptist Church yesterday, it had to be postponed. Although the weather was very cold, we all left feeling very warm because of the celebration that went on. It was very heartfelt, it was a wonderful presentation by the young people of that church who were outstanding. As the mayor commented, the future is here and some of these young people performed and did things that were absolutely outstanding. The talent that was presented was just beyond belief. I want to thank you again for hosting it, to Reverend Jones and to Councilwoman James for a wonderful celebration. You are truly an asset to the community.

There being no further business, the meeting was adjourned.

Todd M. Thomas  
Director of Administrative Services/City Clerk

January 28, 2019

January 30, 2017