

January 30, 2017

City Council

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 30, 2017 at 7:30 p.m.

Members Present: Council Members, Brent Sheldon, Tony Dolce, Vickye James, Marie Carrubba, Maria Jones, Kim Ecklund, George Spitale

Members Absent: Council President Greg Rabb, Tom Nelson

Others Present: Mayor Samuel Teresi, James N. Olson, Director of Financial Services/City Clerk, City Comptroller Joe Bellitto, Director of Public Works Jeff Lehman, Police Chief/Director of Public Safety Harry Snellings, Deputy Fire Chief Chet Harvey, Director of Development Vince DeJoy, Executive Assistant to the Mayor Matt Hanley

Director of Financial Services/ City Clerk, James N. Olson called the meeting to order and led the assembly in the Pledge of Allegiance to the Flag.

The Invocation was given by Rev. Dr. William Blair of the New Creation Assembly of God.

Councilwoman Ecklund nominated Councilman Dolce to act as President Pro-Tem in the absence of City Council President Greg Rabb.

Councilman Spitale seconded the motion.

Councilwoman Carrubba moved to close the nominations.

Carried: 7 ayes, 0 nays

Councilwoman James moved to approve the minutes from the December 19, 2016 meeting.

MESSAGES FROM THE MAYOR

201701B00.01

Director of Financial Services/ City Clerk, James N. Olson read the following letter from Mayor Teresi:

January 30, 2017

January 30, 2017

To: Members of the City Council

In accordance with Article IV, Chapter 31-C of the Jamestown City Charter, I do hereby provide for your consideration the annual "State of the City" message.

For your review and consideration I have attached:

- A summary of major initiatives pursued and accomplishments realized during 2016
- An overview of Goals and Objectives for 2017
- Various other supportive materials and documents that pertain to the subject matter of the 2016 and 2017 reports.

Please be advised that copies of this communication and the related attachments 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, 509 Cherry Street
- City of Jamestown official website. www.jamestownny.net

Should you have any questions or would like to discuss further any of the information or matters contained in this report, please feel free to contact me at any time.

I look forward to working closely with all of you for the betterment of our great city throughout the coming year.

Sincerely,
Samuel Teresi
Mayor

Mayor Teresi: Mr. President, if I could, please?

Councilman Dolce: You may.

Mayor Teresi: Thank you, sir. I'd like to take this opportunity; the packet that will be delivered to you tonight is a pretty substantial overview of the activities of this administration, this city council and the 450 or so employees of the City of Jamestown. That includes our city employees that work at our five enterprise funds, managed by our Board of Public Utilities. 2016 was one of the most significant years on record and certainly during my 17 years as Mayor for accomplishments. We always do not take the opportunity to recognize those that were involved with those initiatives and I'd like to do that at this point in time. If I could, but for the sake of

January 30, 2017

Jennifer Williams, our staff person in the City Clerk's office that has to put together the verbatim transcript of our meetings, I will forgo reading the name of all 450 employees of the City of Jamestown, but I will say that it's the best workforce, public workforce, you're going to find anywhere in this country and we're blessed to have them working with us and as residents of this community and taxpayers of this community for us. I would like to take an opportunity to recognize, by name, the members of our management team here that work with the workforce every single day, providing direction and delivering on all of the accomplishments that are in the 2016 report. And I would like to read their names into the record and have it appear as part of the City Council official minutes for this evening.

City Assessor, Kevin Okerland
City Comptroller, Joe Bellitto
Corporation Counsel, Marilyn Fiore-Lehman
Board of Public Utilities General Manager, David Leathers
Director of Development, Vince DeJoy
Director of Financial Services/City Clerk, Jim Olson
Director of Information Services, Mark Dean
Deputy Fire Chief, Chet Harvey
Parks Manager, John Williams
Recreation Coordinator, Julia Ciesla-Hanley
Director of Public Works, Jeff Lehman
Director of Public Safety/ Police Chief, Harry Snellings

This is the top management team for the City of Jamestown. Excuse my vernacular here, but they do one hell of a job on a daily basis with and for us. And if I could also add to the list, the two members of my personal staff that not only work throughout the year, 365 days, putting up with me on a daily basis and dealing with members of the public and working shoulder to shoulder with members of the City Council and the rest of the management team, but were largely responsible for putting together this lengthy packet that you have before you and that I know you're going to take home and delve into it, word by word, when you get home tonight. But, I do want to also thank, personally, my Executive Assistant, Matt Hanley and my Office Manager, Leigh Anne Jordan, for the work they do every day and also the time that they have helped me and working with me putting this very lengthy packet together. I encourage you tonight and the coming days to review the list of accomplishments for 2016, the goals and objectives that I've put forth for your consideration for 2017. Please feel free to contact me in any form, except Twitter, I don't do Twitter; in any form that you choose over the course of the next couple of days where we can go over any questions that you may have and I look forward to working with you during the coming year, walking through the program that I put before you tonight. Thank you.

*Supplemental materials attached to the minutes.

January 30, 2017

Councilman Dolce: Thank you. At this particular time, we'll have opportunities for persons to address the council. Anyone who would like to address the council, please step up to the mic, give us your name and address, please limit your remarks to five minutes and again, use this mic over here; anyone who would like to address the council this evening.

OPPORTUNITIES FOR PERSONS TO ADDRESS THE COUNCIL

201701B00.02

Anthony Tota: Good evening and thank you for allowing me the opportunity to speak here tonight. My name is Anthony Tota and I live at P.O. Box 1088 in the City of Jamestown, New York. I would like to say that during three Chiefs of Police in the City of Jamestown, under the same Mayor Teresi, there has been and continues to be twenty years of inadequacies in regard to first traffic violations, including loud exhaust in the city, speeding and reckless driving. There also is a drug problem, threat problems and murders also as everybody is aware of, especially the recent murders that have occurred, around the holidays last year. My complaints primarily have been concerning traffic issues where there are problems all over this city.

First, I'd like to say that nobody should have to call to complain about traffic issues in this city. It is the responsibility of the Jamestown Police to automatically handle these issues and take care of them without anybody having to call. As Chief Snellings is aware of, I have called for approximately twenty years over this issue. Now, the Chief has stated to me over the years that the Jamestown Police have responded to my complaints. If that's the case, why do problems with traffic continue to persist to this day and why, for over 1 ½ years, has Chief Snellings refused to respond to my telephone calls to him, while these issues continue and I continue to complain in his direction over the issues. Well, the answers are, as were explained to me, in part by the Chief years ago, was that the Chief will not address traffic issues during school entrance and exit times. Secondly, the cars are sent late. The excuse that I get when I call is they're on other calls or they're tied up with other problems so they cannot come to address my specific complaints. Third, when I stay in the area, I personally witness police cars that have come to the area and sat there and while I'm watching an illegally loud vehicle. And I'm talking about a loud exhaust go by them, they sit there and refuse to enforce the law by chasing them or trying to ticket those people.

And finally, the police over the years have been, in effect, trying to entrap me when I make these calls. One of the latest issues was, they came on to my property and when I specifically asked the police to come to a specific area, streets and sections of the city that I have named and patrol those sections of the streets for vehicle and traffic violations. Now, the JPD, over the years, has attempted to entrap me. When I was living on 48 Sherman Street at my residence, when I had problems with noise from my neighbors, including vehicle traffic noise, beeping horns from them. When I complained, they sent six officers to my house and two of them were hiding behind my bushes. So, I'm assuming that the Chief sent those officers to try and either entrap me, or have me arrested. Or he can explain to me right now why those officers were hiding behind my bushes.

January 30, 2017

Now, the fact is that Chief Snellings will not cooperate with or listen to the citizens of Jamestown over this and other issues and has failed to deter, not only, vehicle and traffic issues, but other crime issues as well and is just not protecting the public. There have also been instances of cooperation with the JPD and the Sheriff's Department dispatchers. Now, those dispatchers disregard my long-standing calls and also attempt to entrap me for making legitimate complaints. Therefore, at this meeting, I am demanding that Chief Snellings resign, or be replaced by someone who effectively will work with the citizens of Jamestown against crime. I want to say that over the years there has been no enforcement. I live with this torture day in and day out. I have complained to Mr. Spitale as recently as last week. I stated to him I was coming to this meeting to air this complaint. This is a truly bizarre occurrence with me that happens day in and day out, constantly and there's absolutely no enforcement.

Now, with all the problems in the City of Jamestown, including murders and thefts, people getting beaten up. There is just not enough contact with the Jamestown Police and the general public as far as protecting and that's the reason that I made this request. So, thank you for your time and having me here.

Councilman Dolce: Thank you. Is there anyone else who would like to address the council this evening?

Councilman Spitale: I don't know why you're asking for the resignation for the Police Chief because he's one of the better ones we've ever had. I've worked for the city for thirty-some years. He's a veteran too, so I don't know why you would ask for something like that.

STANDING COMMITTEES

FINANCE COMMITTEE

201701B01

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 \$7,725,180.97 in accordance with the period ending January 27, 2017, 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 \$5,501,165.87 and payrolls in the total amount of \$2,224,015.10 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

January 30, 2017

201701B02

BY COUNCILWOMAN ECKLUND:

RESOLVED, That warrants be drawn and paid to the respective owners and paying agents the sum of Two Hundred Seven Thousand, Three Hundred Eighty-One Dollars and Twenty-Seven Cents (\$207,381.27) in accordance with the bond and note requirements as follows:

Public Improvement Bonds Series A, issue of April 22, 2015, One Hundred Fifty Thousand Dollars (\$150,000.00) principal and Fifty-Seven Thousand, Three Hundred Eighty-One Dollars and Twenty-Seven Cents (\$57,381.27) for six months interest at 4.00% per annum on Three Million Seven Hundred Ninety-Five Thousand dollars (\$3,795,000).

Carried: 7 – 0

201701B03

BY COUNCILWOMAN ECKLUND:

RESOLVED, That warrants be drawn and paid to the respective owners and paying agents the sum of Four Hundred Nine Thousand, Six Hundred Eighty-Seven Dollars and Fifty Cents (\$409,687.50) 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 Thirty Thousand Dollars (\$330,000.00) principal and Seventy-Nine Thousand, Six Hundred Eighty-Seven Dollars and Fifty Cents (\$79,687.50) for six months interest at 2.00% per annum on five million two hundred twenty thousand dollars (\$5,220,000).

Carried: 7 – 0

201701B04

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 Police Department an effort to effectively manage the city's day-to-day responsibilities in a cost efficient manner, it is

January 30, 2017

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 authorized the filling of the following position due to the essential nature of the position.

- One (1) Typist in the Jamestown Police Department (Retirement funded in the 2017 General Fund Budget).

Carried: 7 – 0

201701B05

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 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 positions due to the essential nature of the positions.

- Three (3) Fire Fighters in the Jamestown Fire Department (2 retirements, 1 resignation funded in the 2017 General Fund Budget).

Carried: 7 – 0

201701B06

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

January 30, 2017

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 positions, 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) Laborer (Retirement - funded in the 2017 General Fund Budget).

Carried: 7 – 0

201701B07

BY COUNCILWOMAN ECKLUND:

WHEREAS, Hogan Energy Consulting, a competent oil and gas consulting firm, has, at the instance of the City of Jamestown Board of Public Utilities ("BPU), an administrative unit of the City of Jamestown, New York (the "City"), prepared an estimate of the cost of the acquisition by the City of Jamestown Board of Public Utilities ("BPU) of a natural gas pipeline and compressor assets from EmKey Transportation, Inc. ("EmKey") pursuant to a contract of sale by and between the City of Jamestown Board of Public Utilities ("BPU) and EmKey, including rights-in-land, original furnishings, equipment, machinery and apparatus required, and preliminary and incidental costs related thereto (the "Project") and said report has been filed in the office of the City Clerk and is on file for public inspection; and

WHEREAS, the City of Jamestown Board of Public Utilities ("BPU) has determined that the Project is an "unlisted" action, as that term is defined in 6 NYCRR §617.2, and therefore the City of Jamestown Board of Public Utilities ("BPU) has caused an environmental assessment form ("EAF") to be prepared and promptly filed with the City Clerk; and

WHEREAS, it is proposed that the maximum amount estimated to be expended for the Project is \$5,400,000 and that the cost of the Project is to be financed in part by the issuance of serial bonds of the City in the aggregate principal amount of up to \$5,400,000 pursuant to the Local Finance Law of New York (the "LFL") and, if deemed advisable, by the issuance of bond anticipation notes in anticipation of the issuance of said bonds; and

WHEREAS, it is proposed that the cost of the Project is to be paid from operating revenues of the City of Jamestown Board of Public Utilities ("BPU), current available funds of the City of Jamestown Board of Public Utilities ("BPU) and, if required, taxes levied upon all the taxable property in the City in annual installments determined by the City Council in amounts sufficient to pay the principal of and interest on said bonds, if and when issued, to be authorized in a bond resolution adopted by the City Council; and

January 30, 2017

WHEREAS, the evidence contained in the EAF with respect to the Project permits the City Council to make the determinations hereinafter in connection with actions to be made for the purpose of authorizing the financing of the Project;

NOW THEREFORE, pursuant to proceedings prescribed in 6 NYCRR at §617 of the State Environmental Quality Review Act (“SEQRA”) regulations, BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF JAMESTOWN, NEW YORK, as follows:

Section 1. The Environmental Assessment form prepared by the Board of Public Utilities October 6, 2016, along with the findings and determination of significance is adopted by the City Council.]

Section 2. Upon receipt and examination of the EAF it is hereby determined that the Project is an unlisted action as that term is defined in 6 NYCRR §617.2(ak).

Section 3. No other agency other than the City of Jamestown Board of Public Utilities (“BPU), and the New York State Public Service Commission is involved in said environmental review and no coordinated review or segmentation of such review is necessary or required with respect to the Project.

Section 4. No hearing as set forth in 6 NYCRR §617.10(e) is required in making the determinations contained herein with respect to the Project.

Section 5. Taking into account the criteria set forth in 6 NYCRR §617.7, upon review of all pertinent information, including taking a hard look at all the facts and circumstances, it is determined that the Project (i) will not have a significant effect on the climate or climate change, and (ii) will not have a significant effect on the environment, and no unidentified adverse effects are anticipated with respect thereto and are precluded from further review under the Environmental Conservation Law.

Section 6. It is hereby determined that for purposes of the SEQRA regulations the bond resolution to be adopted under the LFL to finance the Project shall not be or be deemed to be an “action”, as that term is defined in 6 NYCRR §617.2(b), until such resolution is approved by the City Council.

Section 7. The City and the City of Jamestown Board of Public Utilities (“BPU) shall maintain a file, readily accessible to the public, in the office of the City Clerk, containing this resolution, and the EAF.

Section 8. This resolution shall take effect immediately upon its adoption.

Carried: 7 – 0

BY COUNCILWOMAN ECKLUND:

BOND RESOLUTION, DATED JANUARY 30, 2017, AUTHORIZING THE ISSUANCE OF UP TO \$5,400,000 AGGREGATE PRINCIPAL AMOUNT SERIAL BONDS OF THE CITY OF JAMESTOWN, COUNTY OF CHAUTAUQUA, STATE OF NEW YORK, PURSUANT TO THE LOCAL FINANCE LAW, TO FINANCE THE COSTS OF THE ACQUISITION OF A PIPELINE AND COMPRESSOR ASSETS FOR THE BOARD OF PUBLIC UTILITIES OF THE CITY.

WHEREAS, the City Council of the City of Jamestown (the “City”), a municipal corporation of the State of New York, located in the County of Chautauqua, hereby determines that it is in the public interest of the City to authorize the financing of the costs of the acquisition of a pipeline and compressor assets in providing a supply of natural gas for the utility functions of the City of Jamestown Board of Public Utilities, an administrative unit of the City;

NOW, THEREFORE, BE IT RESOLVED by the City Council of Jamestown, County of Chautauqua, State of New York, as follows:

Section 1. There is hereby authorized to be issued serial bonds of the City in the aggregate principal amount of up to \$5,400,000, pursuant to the Local Finance Law, in order to finance the cost of the specific object or purpose hereinafter described.

Section 2. The specific object or purpose to be financed by the issuance of such serial bonds is the financing of the costs of the acquisition of a pipeline and compressor assets from EmKey Transportation, Inc. for use in providing a supply of natural gas for the utility functions of the City of Jamestown Board of Public Utilities, an administrative unit of the City, pursuant to a contract of sale by and between EmKey Transportation, Inc. and the City of Jamestown Board of Public Utilities, which contract has been approved by this City Council and the Mayor of the City (the “Project”).

Section 3. The City Council of the City has ascertained and hereby states that (a) the estimated maximum cost of the Project is not to exceed \$5,400,000, (b) no money has heretofore been authorized to be applied to the payment of the costs of the Project; (c) the City Council of the City plans to finance the costs of the Project from up to \$5,400,000 proceeds of the serial bonds or bond anticipation notes authorized herein or from current funds of the City of Jamestown Board of Public Utilities, and (d) the maturity of the obligations authorized herein will not be in excess of five (5) years.

Section 4. It is hereby determined that the Project referred to in Section 2 hereof is a specific object or purpose described in paragraph 5 of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of the Project is thirty (30) years. The serial bonds in the principal amount of up to \$5,400,000 authorized herein shall have a maximum maturity of thirty (30) years computed from the earlier of (a) the date of such serial bonds, or (b) the date of the first bond anticipation notes issued in anticipation of the issuance of such serial bonds.

January 30, 2017

Section 5. Subject to the terms and conditions of this bond resolution and the Local Finance Law, including the provisions of Sections 21.00, 30.00, 50.00 and 56.00 to 60.00, inclusive, the power to authorize serial bonds as authorized herein, and bond anticipation notes issued in anticipation of the issuance of such serial bonds, including renewals thereof, the power to prescribe the terms, form and contents of such serial bonds and such bond anticipation notes, and the power to issue, sell and deliver such serial bonds and such bond anticipation notes, are hereby delegated to the City Comptroller, as the chief fiscal officer of the City. The City Comptroller is hereby authorized to execute on behalf of the City all serial bonds issued pursuant to this bond resolution, and all bond anticipation notes issued in anticipation of the issuance of such serial bonds, and the City Clerk is hereby authorized to impress the seal of the City (or to have imprinted a facsimile thereof) on all such serial bonds and all such bond anticipation notes and to attest such seal. Each interest coupon, if any, representing interest payable on such serial bonds shall be authenticated by the manual or facsimile signature of the City Comptroller.

Section 6. The faith and credit of the City are hereby and shall be irrevocably pledged for the punctual payment of the principal of and interest on all obligations authorized and issued pursuant to this bond resolution as the same shall become due.

Section 7. When this bond resolution takes effect, the City Clerk shall cause the same, or a summary thereof, to be published together with a notice in substantially the form prescribed by Section 81.00 of the Local Finance Law in *The Post-Journal*, a newspaper having a general circulation in the City. The validity of the serial bonds authorized herein, and of bond anticipation notes issued in anticipation of the issuance of such serial bonds, may be contested only if such obligations are authorized for an object or purpose, or class of object or purpose, for which the City is not authorized to expend money, or the provisions of law, which should have been complied with as the date of the publication of this bond resolution, or such summary thereof, were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication, or if such obligations were authorized in violation of the provisions of the Constitution of the State of New York.

Section 8. Prior to the issuance of any obligations authorized herein, the City Council shall comply with all applicable provisions prescribed in Article 8 of the Environmental Conservation Law, all regulations promulgated thereunder by the New York State Department of Environmental Conservation, and all applicable Federal laws and regulations in connection with environmental quality review relating to the Project (collectively, the “environmental compliance proceedings”). In the event that any of the environmental compliance proceedings are not completed, or require amendment or modification subsequent to the date of adoption of this bond resolution, the City Council will re-adopt, amend or modify this bond resolution prior to the issuance of any obligations authorized herein upon the advice of bond counsel. It is hereby determined by the City Council that the Project will not have a significant effect on the environment.

Section 9. The City hereby declares its intention to issue the serial bonds authorized herein, and/or bond anticipation notes issued in anticipation of the issuance of such serial bonds (collectively, the “obligations”), to finance the costs of the Project. The City covenants for the

January 30, 2017

benefit of the holders of such obligations that it will not make any use of the proceeds of such obligations, any funds reasonably expected to be used to pay the principal of or interest on such obligations or any other funds of the City, and will not make any use of the Project which would cause the interest on such obligations to become subject to federal income taxation under the Internal Revenue Code of 1986, as amended (the "Code") (except for the 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 such obligations, the proceeds thereof or the Project financed thereby, if such action or omission would cause the interest on such obligations to become subject to federal income taxation under the Code (except for the 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 effect notwithstanding the defeasance of any serial bonds authorized and issued under this bond resolution, or any other provisions hereof, until the date which is sixty (60) days after the final maturity date or earlier prior redemption date thereof. The proceeds of any obligations authorized herein may be applied to reimburse expenditures or commitments of the City made in connection with the Project on or after a date which is not more than sixty (60) days prior to the date of adoption of this bond resolution by the City Council.

Section 10. For the benefit of the holders and beneficial owners from time to time of the serial bonds authorized herein, and of bond anticipation notes issued in anticipation of the issuance of such serial bonds, the City agrees, in accordance with and as an obligated person with respect to such obligations under, Rule 15c2-12 (the "Rule") promulgated by the Securities Exchange Commission pursuant to the Securities Exchange Act of 1934, 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 City Comptroller 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 such obligations authorized herein in accordance with the Rule, with any changes or amendments that are not inconsistent with this bond resolution and not substantially adverse to the City and that are approved by the City Comptroller 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 City Comptroller 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 City Comptroller shall consult with, as appropriate, the Corporation Counsel and bond counsel or other qualified independent special

January 30, 2017

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 11. This bond resolution shall take effect upon its adoption by the City Council.

Carried: 7 – 0

201701B09

BY COUNCILWOMAN ECKLUND:

WHEREAS, On October 24, 2016, the Jamestown City Council approved a direct loan in the amount of five hundred thousand dollars (\$500,000.00), from repaid, Urban Development Action Grant (UDAG) funds to Shults Real Estate, LLC at a rate of 4.25% interest for 10 years as part of a \$2,201,000 project involving the redevelopment of real property located at 255 Fluvanna Avenue, Jamestown; and

WHEREAS, collateral for the above mentioned loan being a second mortgage position behind Ally Bank on the real property located at 300 Fluvanna Avenue, 311 Fluvanna Avenue, and 254 Fluvanna Avenue, Jamestown with \$3,200,000 assessed value on the property, personal guarantees from Tim M. Shults and Edmund R. Shults Jr., and a third security position behind M&T Bank and the Chautauqua County Industrial Development Agency in the real property located at 255 Fluvanna Avenue, Jamestown; and

WHEREAS, Shults Real Estate, LLC now seeks to make a loan in the amount of \$1,380,000.00 from Five Star Bank for refinancing purposes with the condition precedent of a first priority secured mortgage interest in, or deed of trust or similar agreement covering: Land and Buildings of Shults Real Estate, LLC located at 255 Fluvanna Avenue, Jamestown, New York SBL#s:(370.09-2-21, 370-09-2-22, 370.09-2-23, and 370.10-1-5) recorded on December 2, 2016 as instrument # MT201604683; and hereby requested a SUBORDINATION AGREEMENT for the above mentioned parcel in the City of Jamestown and would be subject to, secondary to and subordinate to the Five Star Bank and Chautauqua County Industrial Development Agency Mortgages; and

WHEREAS, it has been determined that the remaining collateral and personal guarantees secured for the October 24, 2016 five hundred thousand dollar (\$500,000.00) loan are sufficient to secure the remaining loan balance; now therefore be it

RESOLVED, that the Jamestown City Council hereby authorizes the Mayor to execute said subordination documents with Five Star Bank on behalf of the City of Jamestown with personal guarantees from Edmund R. Shults, Jr. and Tim Shults to remain in effect as collateral for the remaining loan balance along with a second mortgage position behind Ally Bank on the real property located at 300 Fluvanna Avenue, 311 Fluvanna Avenue, and 254 Fluvanna Avenue, Jamestown New York.

January 30, 2017
Carried: 7 – 0

201701B10

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

RESOLVED, that effective immediately the Jamestown City Council hereby suspends the hiring freeze instituted by resolution number 200201C03 and resolution number 200611B17 to fill a vacancy that was recently created due to a termination.

- One (1) Laborer in the Department of Public Works (1 resignation funded in the 2017 General Fund Budget).

Carried: 7 – 0

201701B11

BY COUNCILWOMAN ECKLUND:

RESOLVED, That Deputy Fire Chief Chester Harvey be and he hereby is authorized to attend the New York State Career Fire Chief's Meeting in Rochester, New York, January 18, 2017, with expenses paid pursuant to Section 77-b of the General Municipal Law.

Carried: 7 – 0

January 30, 2017

201701B12

BY COUNCILWOMAN ECKLUND:

RESOLVED, That Firefighter Ryan DiDomenico and Lieutenant John Johnston be and they hereby are authorized to attend the New York State Fire Academy Electrical Fire Cause and Determination I & II Training to be held in Montour Falls, New York on January 30 – February 3, 2017, with expenses paid pursuant to Section 77-b of the General Municipal Law.

Carried: 7 – 0

201701B13

BY COUNCILWOMAN ECKLUND:

WHEREAS, the City of Jamestown is tasked with the enforcement of all state and local public safety codes, community development and revitalization activities, the stabilization of its neighborhoods and the preservation and development of the tax base through private and public investment, and

WHEREAS, an aging and overabundant housing stock in city neighborhoods has led to disinvestment in numerous residential properties, and

WHEREAS, the cost of renovation of many structures often exceeds the value of the property, which leads to eventual condemnations and demolitions at taxpayer expense, and

WHEREAS, the City of Jamestown would like to reduce the number of demolitions through renovation and rehabilitation of vacant and condemned properties, and encourage new “in-fill” development for the construction of owner-occupied homes on vacant parcels created by previous demolitions, and

WHEREAS, a modest property tax abatement program could stimulate rehabilitation of vacant, condemned properties and new construction of owner-occupied housing on previous demolition parcels, and allow Jamestown to attract new residents, now therefore be it

RESOLVED, that the City Council of the City of Jamestown hereby requests that the New York State Legislature adopt Home Rule Legislation authorizing the City of Jamestown to establish an Owner Occupied Real Property Tax Exemption Program for the rehabilitation of vacant and condemned residential properties and new “in-fill” residential construction on vacant parcels from previous demolitions within the city, and be it

January 30, 2017

FURTHER RESOLVED, that said exemption program will operate as follows:

<u>YEAR</u>	<u>PERCENTAGE EXEMPTION</u>
1-3	100%
4-5	80%
6-7	60%
8-9	40%
10-11	20%
12	0%

and be it

FURTHER RESOLVED, that the City Clerk is hereby authorized and directed to transmit certified copies of this resolution to State Senator Catharine M. Young and Assemblyman Andrew W. Goodell for their consideration and action.

Carried: 7 – 0

Councilwoman Carrubba: I would like to thank the Department of Development for working on this. It’s been a long road to bring this to the council, but it’s a way that we can reclaim some of the properties, instead of just demolishing and hopefully we can reclaim some properties in neighborhoods and bring them back on the tax rolls. Thank you for this.

PUBLIC WORKS COMMITTEE

201701B14

BY COUNCILMAN SPITALE:

WHEREAS, the Planning Commission of the City of Jamestown voted on November 20, 2016, to recommend to the Jamestown City Council that a 16’ x 100’ portion of an un-named alley located between Lindsey Ave. and Woodlawn Ave. adjacent to parcels 371.13-1-8, (598 Falconer Street) and 371.13-1-40, be abandoned by the City of Jamestown as a public street, and

WHEREAS, it has been determined that the City of Jamestown no longer requires the aforesaid property known as an un-named alley located between Lindsey Ave. and Woodlawn Ave. adjacent to parcels 371.13-1-8, (598 Falconer Street) and 371.13-1-40 as a public street of the City of Jamestown, and

WHEREAS, notice of the City of Jamestown's intention to abandon the aforesaid property was published in The Post-Journal on January 20, 2017, and thereafter a public hearing was held on January 30, 2017, in accordance with the provisions of Section 29 of the General City Law, and

January 30, 2017

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

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

RESOLVED, That a 16' x 100' portion of the City-owned property known as an un-named alley located between Lindsey Ave. and Woodlawn Ave. adjacent to parcels 371.13-1-8, (598 Falconer Street) and 371.13-1-40, as shown on the Official Tax Map of the City of Jamestown, be and the same hereby is abandoned to abutting the property owners, and be it further

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

RESOLVED, That the Mayor be and he hereby is authorized and directed to execute quit claim deeds conveying all of the City of Jamestown's right, title and interest to the abutting property owners of property known as an un-named alley located between Lindsey Ave. and Woodlawn Ave. adjacent to parcels 371.13-1-8, (598 Falconer Street) and 371.13-1-40, measurements to be determined by the Director of Public Works.

ALL THAT TRACT OR PARCEL OF LAND, situate in the City of Jamestown, County of Chautauqua, and State of New York, bounded and described as follows:

Being part of Lot 19, Town 2, Range 11 of the Holland Land Company's Survey, and further known as a portion of an alley sixteen (16) feet wide as shown on a map of the Lister Park Land Company's Allotment, Section "C" bounded and described as follows: BEGINNING at a point in the west line of Lindsey Avenue one hundred fifty (150) feet southerly from the intersection of the south line of Falconer Street with the west line of Lindsey Avenue, said point being at the northeast corner of Lot 6, Section "C" of the Lister Park Land Company's Allotment and also at the point of intersection of the west line of Lindsey Avenue and the south line of an alley as shown on said Allotment; thence westerly and parallel with the south line of Falconer Street and along the south line of said alley one hundred eighteen and eight-tenths (118.8) feet to a point; said point being at the northeast corner of Lot 6, Section "D" of said Allotment; thence northerly and parallel to the west line of Lindsey Avenue sixteen (16) feet to a point; said point being at the southeast corner of Lot 9, Section "D" of said Allotment; thence easterly and parallel with the first described line and along the north line of said alley one hundred eighteen and eight-tenths (118.8) feet to a point in the west line of Lindsey Avenue, said point also being at the southeast corner of Lot 9, Section "C" of said Allotment; thence southerly along the west line of Lindsey Avenue sixteen (16) feet to the point and place of beginning.

Councilwoman Ecklund moved, seconded by Councilman Sheldon to table the proposed abandonment.

January 30, 2017

Carried: 7 – 0

PUBLIC SAFETY COMMITTEE

201701B15

BY COUNCILWOMAN JONES:

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

Section 1. Chapter 300-310, C-3 Central Business District – Downtown, is hereby added as follows.

14. Residential uses shall not be permitted on the first floor of any mixed occupancy structure.

Section 2. Chapter 300-311 A, C-4 Central Commercial District, is hereby added as follows.

3. Residential uses shall not be permitted on the first floor of any mixed occupancy structure.

Section 3. This ordinance amendment shall take effect immediately.

Carried: 7 – 0

201701B16

BY COUNCILWOMAN CARRUBBA:

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

Section 1. Chapter 300-0708(B). Zoning. Article VII, Sign Regulations, Prohibited Signs of the Code of the City of Jamestown is hereby deleted as follows.

Section 2. Chapter 300-0709. Zoning. Article VII, Sign Regulations, General Regulations of the Code of the City of Jamestown is hereby amended to provide for a new section F as follows.

F. Electronic Message Displays

Definitions

ELECTRONIC MESSAGE DISPLAY (EMD) – A sign capable of displaying words, symbols, figures or images that can be electronically or mechanically changed by remote or automatic means

DISSOLVE – a mode of message transition on an Electronic Message Display (EMD) accomplished by varying the light intensity or pattern, where the first message gradually appears to dissipate and lose legibility simultaneously with the gradual appearance and legibility of the second message

January 30, 2017

FADE – a mode of message transition on an Electronic Message Display (EMD) accomplished by varying the light intensity, where the first message gradually reduces intensity to the point of not being legible and the subsequent message gradually increases intensity to the point of legibility

FRAME – a complete, static display screen on an Electronic Message Display

FRAME EFFECT – a visual effect used on an Electronic Message Display applied to a single frame to attract the attention of viewers

LEVEL 1 - Static Display Only (Messages changed with no transition/animation)

LEVEL 2 - Static Display with “fade” or “dissolve” transitions, or similar subtle transitions and frame effects that do not have the appearance of moving text or images

LEVEL 3 - Static Display with “Travel” or “Scrolling” transitions, or similar transitions and frame effects that have text or animated images that appear to move or change in size, or be revealed sequentially rather than all at once

LEVEL 4 - Full Animation, Flashing, and Video

SCROLL – a mode of message transition on an Electronic Message Display where the message appears to move vertically or across the display surface

SPONSORSHIP – the display of the name or logo of an off-premise business that has contributed to an event or operation of the on-site business. This does not include the advertisement of a sale or product of the off-premise business.

TRAVEL - a mode of message transition on an Electronic Message Display where the message appears to move horizontally or across the display surface

Section 3. Chapter 300-0710. Zoning. Article VII, Sign Regulations, Permitted Signs by district of the Code of the City of Jamestown is hereby added to provide for a new section G as follows.

G. Electronic Message Displays (EMDs) are allowable in the following zones: C-1, C-2, C-3, C-4, C-M, L-M, M, zoning districts

Section 4. Chapter 300-0710. Zoning. Article VII, Sign Regulations, Permitted Signs by district of the Code of the City of Jamestown is hereby added to provide for a new section H as follows.

H. Electronic Message Displays are also allowable at the following uses, regardless of zone:

- (a) Museums
- (b) Theaters
- (c) Sporting Arenas
- (4) Libraries
- (5) City Parks
- (6) Schools

January 30, 2017

Section 5. Chapter 300-0710. Zoning. Article VII, Sign Regulations, Permitted Signs by district of the Code of the City of Jamestown is hereby added to provide for a new section I as follows.

I. Up to 50% of the total allowable area (freestanding or wall signage) may be used for Electronic Message Displays, and cannot be any larger than 144 sq. ft. Only one (1) EMD is allowed per property, either as a freestanding sign OR wall sign, but not both. Freestanding EMDs and Wall Sign EMDs will follow the same height and setback regulations that are set for the corresponding Freestanding and Wall Signs in section 300-0710.

Section 6. Chapter 300-0710. Zoning. Article VII, Sign Regulations, Permitted Signs by district of the Code of the City of Jamestown is hereby added to provide for a new section J as follows.

J. Electronic Message Displays must be equipped with an automatic dimmer, and be set not to exceed 0.3 (three tenths) foot candles over ambient light level (measured at 150 feet). Each message on the sign must be displayed for a minimum of 15 seconds, transitions must be no longer than 1 second each.

Section 7. Chapter 300-0710. Zoning. Article VII, Sign Regulations, Permitted Signs by district of the Code of the City of Jamestown is hereby added to provide for a new section K as follows.

K. Allowable animation and transition content on EMDs must fall under the definition for Level 1 or Level 2 (defined within 300-0709(F)(1)). Level 3 or Level 4 animations and transitions may be permitted with the approval of a special use permit.

Section 8. Chapter 300-0710. Zoning. Article VII, Sign Regulations, Permitted Signs by district of the Code of the City of Jamestown is hereby added to provide for a new section L as follows.

L. Sponsorship usage of Electronic Message Displays is permitted. Off-premise advertising is not allowable on Electronic Message Displays.

Section 9. This ordinance amendment shall take effect immediately.

Carried: 7 – 0

201701B17

BY COUNCILWOMAN JAMES:

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

Section 1. Chapter 275-6 (C) Towing. Utilization of official towers' list Code of the City of Jamestown is hereby amended as follows.

C. All requests for towing service on property owned by the City of Jamestown shall be made by the Chief of Police or his official designee.

Section 2. Chapter 275-6 (G) Towing. Utilization of official towers' list Code of the City of Jamestown is hereby added as follows.

January 30, 2017

G. The towing of vehicles from private property will be the responsibility of the owner of the property. No vehicle shall be towed by a tow operator from private property without express written authorization by the owner of the private property or the person in control of the private property, or his or her agent. The towing company which tows a vehicle from private property shall, within thirty (30) minutes of the vehicle's arrival at a facility for storage, notify the Jamestown Police Department, identifying the storage facility, the location of the storage facility, the time the vehicle was towed, the location from which the vehicle was towed, the make, model color and license plate number of the vehicle towed, the name of the person who authorized the towing and the fact that the towing was pursuant to a contract/written authorization with the owner/operator/agent of the private property. The person who tows the vehicle and the person authorizing the tow shall maintain a copy of the written authorization provided for in this subsection for a period of not less than one (1) year. Owners/operators/agents of private property shall utilize the list of official towers and may contract with one or more of the City's official towing companies for the removal of unauthorized vehicles.

Section 3. This ordinance amendment shall take effect immediately.

Carried: 7 – 0

There being no further business, the meeting was adjourned.
James N. Olson
Director of Financial Services/City Clerk

January 30, 2017

January 30, 2017