

July 28, 2014

City Council

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Proceedings by Authority

State of New York  
City of Jamestown  
City Council Chambers

ss:

A meeting of the City Council of the City of Jamestown, New York was held on Monday, July 28, 2014 at 7:30 p.m.

Members Present: Council President Greg Rabb and Council Members, Brent Sheldon, Tony Dolce, Tamara Dickey, Marie Carrubba, Maria Jones, Kim Ecklund, George Spitale

Members Absent: Paul Whitford

Others Present: Corporation Counsel Marilyn Fiore-Lehman, Director of Financial Services/City Clerk James N. Olson, Director of Public Works Jeff Lehman, Deputy Fire Chief Chet Harvey, Police Chief/Director of Public Safety Harry Snellings, Director of Development Vince DeJoy, Executive Assistant to the Mayor Matt Hanley

City Council President Greg Rabb called the meeting to order and led the assembly in the Pledge of Allegiance to the Flag.

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

Councilman Dolce moved to approve the minutes from the June 23, 2014 meeting.

**MESSAGES FROM THE MAYOR**

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

201407A00.01

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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John Bauer  
133 Euclid Ave.  
Jamestown, New York 14701

to be appointed a member of the Riverfront Management Council in and for the City of Jamestown, New York.

The term for which said appointment is to be made will expire December 31, 2017.

201407A00.02

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:

David B. Anderson  
126 Wilton Ave.  
Jamestown, New York 14701

to be appointed a member of the Riverfront Management Council representing the Chautauqua Watershed Conservancy in and for the City of Jamestown, New York.

The term for which said appointment is to be made will expire December 31, 2017.

201407A00.03

July 28, 2014

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:

Steve Nowell  
29 Chapin Street  
Jamestown, New York 14701

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

The term for which said appointment is to be made will expire December 31, 2015.

201407A00.04

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:

James McTavish  
10 E. Newland Ave.  
Jamestown, New York 14701

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to be appointed a member of the Board of Electrical Examiners in and for the City of Jamestown, New York.

The term for which said appointment is to be made will expire December 31, 2015.

Samuel Teresi  
Mayor of the City of Jamestown, New York

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

Carried: 8 ayes, 0 nays

Councilwoman Carrubba moved to approve the appointments.

Carried: 8 ayes, 0 nays

201407A00.05

CITY OF JAMESTOWN     )  
City Council                 )

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:

Sharon Rissel  
51 Delevan Ave.  
Jamestown, New York 14701

to be appointed a member of the Salary Review Commission in and for the City of Jamestown, New York.

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201407A00.06

CITY OF JAMESTOWN     )  
City Council            )

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:

Jason A. Perdue  
34 Burtch Street  
Jamestown, New York 14701

to be appointed a member of the Salary Review Commission in and for the City of Jamestown, New York.

Gregory P. Rabb  
City Council President

Councilwoman Ecklund moved to suspend the rules and vote on the appointments.

Carried: 8 ayes, 0 nays

Councilman Spitale moved to approve the appointments.

Carried: 8 ayes, 0 nays

**OPPORTUNITIES FOR PERSONS TO ADDRESS THE COUNCIL**

No one appeared to speak.

**STANDING COMMITTEES**

**FINANCE COMMITTEE**

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201407A01

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 \$5,164,087.26 in accordance with the period ending July 28, 2014, 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 \$3,461,743.36, and payrolls in the total amount of \$1,702,343.90, as paid by the Comptroller and Director of Financial Services, a copy of which is annexed hereto and a copy to be placed on file in the office of the City Clerk be and hereby are approved.

Carried: 8 ayes, 0 nays

201407A02

BY COUNCILWOMAN ECKLUND:

RESOLVED, That the Mayor be, and he hereby is, authorized to enter into a contract with the Center for Governmental Research Inc., One South Washington Street, Suite 400, Rochester, New York 14614 for professional services related to the completion of a Police Consolidation Study between the City of Jamestown Police Department and the Chautauqua County Sheriff's Office in the amount of Ten Thousand Dollars (\$10,000.00) with additional expenses at the rate of One Hundred Twenty Dollars per hour (\$120.00) for supportive research with funding provided through a New York State Department of State Local Government Efficiency Grant.

Carried: 8 ayes, 0 nays

201407A03

By COUNCILWOMAN ECKLUND:

WHEREAS, the County of Chautauqua heretofore applied for State funding under the New York State Division of Criminal Justices Services GIVE Grant Program for 2014 and,

WHEREAS, the County's application has been approved and a portion of the grant funds must be shared with the City of Jamestown Police Department, now therefore be it

RESOLVED, that the Mayor and Police Chief be and they hereby are authorized and directed to participate in GIVE for the period of July 1, 2014 through June 30, 2015 with funding

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in the amount of Sixty-Nine Thousand One Hundred Seventy-Four Dollars (\$69,174.00) provided by the State of New York.

Carried: 8 ayes, 0 nays

201407A04

BY COUNCILMAN DOLCE:

WHEREAS, on March 23, 2009 the Jamestown City Council approved a loan for two hundred seventy-five thousand dollars (\$275,000) at a rate of 6% interest for 10 years by the Jamestown Local Development Corporation through the Jobs and Private Investment Loan Program Tier I to Shults Real Estate, LLC Signature Nissan Subaru with collateral being a blanket mortgage position behind GMAC on the real properties located at 254 Fluvanna Ave., 300 Fluvanna Ave., 305 Fluvanna Ave., 311 Fluvanna Ave., 316 Fluvanna Ave., and 1315 Washington Street, Jamestown, New York; with additional filings at 880 E. Main Street, Foster Township, PA, 3979 Vineyard Drive, Dunkirk, NY, 3004 W. State Street, Olean, NY, 104 Independence Ave., Olean, NY, 1658 North Market St., Warren, PA, and 824 East Main St, Bradford, PA., and personal guarantees from Edmond R. Shults Jr. and Tim Shults; and

WHEREAS, Shults Real Estate, LLC has requested that the City of Jamestown release its mortgage lien on the 824 E. Main St., Bradford, PA and the 880 E. Main St., Foster Township, PA properties as used for collateral on the above mentioned loan; and

WHEREAS, it has been determined that the remaining collateral and personal guarantees are sufficient to secure the remaining loan; now therefore be it

RESOLVED, that the Jamestown City Council hereby does release the properties at 824 E. Main St, Bradford, PA, and 880 E. Main St., Foster Township, PA, from the collateral package of the loan; and be it further

RESOLVED, that the remaining blanket mortgage positions behind GMAC on the real properties located at 254 Fluvanna Ave., 300 Fluvanna Ave.; 305 Fluvanna Ave.; 311 Fluvanna Ave.; 316 Fluvanna Ave.; and 1315 Washington Street, Jamestown, New York; 3979 Vineyard Drive, Dunkirk, NY; 3004 W. State Street, Olean, NY; 104 Independence Ave., Olean, NY; and 1658 North Market St., Warren, PA., along with personal guarantees from Edmund R. Shults and Tim Shults shall remain in effect as collateral for the remaining loan balance.

Carried: 8 ayes, 0 nays

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201407A05

BY COUNCILMAN DOLCE:

WHEREAS, that Jamestown City Administrative Association (JCAA), through negotiations have arrived at the terms of a tentative agreement, and

WHEREAS, the City Council has, after much deliberation and discussion, considered all the terms contained within the tentative agreement, now; therefore, be it

RESOLVED, That the terms of the tentative agreement be, and hereby are, approved, and be it further

RESOLVED, That the Mayor be, and he hereby is, authorized to enter into a personnel agreement with the Jamestown City Administrative Association (JCAA), for the period covering January 1, 2012 through December 31, 2016, subject to the review and approval of the Corporation Counsel as to form.

Carried: 8 ayes, 0 nays

201407A06

BY COUNCILMAN DOLCE:

RESOLVED, That the City Comptroller be and he hereby is authorized to make the following amendment to the 2014 General Fund Budget, for the purpose of appropriating funding to the Jamestown Urban Renewal Agency for the purchase of MyGov Community Development Software as follows:

INCREASE: Appropriations	\$30,000.00
Department of Development	
A.8791.0400	

DECREASE: Appropriations	\$30,000.00
Contingency	
A.1990.0400	

Councilman Dolce: This is just as we discussed in the last work session with the presentation to purchase the software – the updated software for the Department of Development.

Carried: 8 ayes, 0 nays

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**PUBLIC WORKS COMMITTEE**

201407A07

BY COUNCILMAN SHELDON:

RESOLVED that the bid submitted by Villager Construction, Inc., 425 Old Macedon Center Road, Fairport, New York 14450 for General Cold Milling - July 2014, based on the proposals due July 11, 2014, in the following amounts, be and the same hereby is accepted:

Base Bid:

\*15200 SY Milling Asphalt – 0 to 3 Inch Depth at \$0.65 /SY

\*100 SY/IN Milling Asphalt – Additional 1 Inch Depth after 3 Inches at \$0.08 /SY/IN

\*5800 SY Milling Asphalt & Brick – 0 to 3 Inch Depth Over Brick at \$ 0.88 /SY

Alt. Bid:

Turn Key Operation – Contractor to work own hours

And provide all haul trucks (max. 4 mile delivery radius), bulk

Milling clean-up, and traffic control at \$1.48 / SY

\*Quantities are approximate and are for bid comparison purposes only; actual amount may vary.

This being the lower of two bids received, and be it further

RESOLVED that the Director of Public Works be and he hereby is authorized to execute an agreement with Villager Construction, Inc., which agreement will reflect the services to be performed by Villager Construction, Inc. at the price referred to above, said agreement to be subject to approval as to form by the office of the Corporation Counsel.

Carried: 8 ayes, 0 nays

201407A08

BY COUNCILMAN SPITALE:

RESOLVED, That the bid submitted by R. PATTI CONCRETE, PO Box 3081, Jamestown, NY 14702, for Veterans Park – Granite Curbing and Stamped Concrete, based on the bid proposals due July 24, 2014, in the following amounts, be and the same hereby is accepted:

192 LF of Straight Granite Curb at \$50.00 /LF

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97 LF 15' Radius Curved Granite Curb at \$ 59.00 /LF  
78 LF 12' Radius Curb at \$ 59.00 /LF  
1506 SF Colored Stamped Concrete at \$ 9.00 /SF

for a total bid amount of Thirty-three Thousand Four Hundred Seventy-nine Dollars (\$33,479.00), this being the lowest of two bids received meeting qualifications, and be it further

RESOLVED, That the Mayor be and he hereby is authorized to execute an agreement with R. Patti Concrete, which agreement will reflect the services to be performed by R. Patti Concrete, at the prices referred to above, said agreement to be subject to approval as to form by the office of the Corporation Counsel.

Councilman Spitale: This is phase two, the circles are ready to go. They've got to order the curbing right now and once that phase is done, we'll probably work on another phase. Thanks to the DPW for setting everything up so it's ready to go.

Carried: 8 ayes, 0 nays

**PUBLIC SAFETY COMMITTEE**

201407A09

BY COUNCILWOMAN JONES:

RESOLVED, That the following person be and she hereby is reappointed to the office of Commissioner of Deeds in and for the City of Jamestown for a term of two years:

Johanna E. Fagan

August 22, 2014 to August 21, 2016

Carried: 8 ayes, 0 nays

201407A10

BY COUNCILWOMAN JONES:

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

Section 1. Chapter 215-46, Nuisances declared; abatements of the Code of the City of Jamestown is hereby amended to add section D as follows.

D. If the Code Enforcement Officer determines that the property is in a state of disrepair in accordance with this chapter and as a result needs to be secured and or prepared for demolition,

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the actual costs of securing and preparing the property for demolition, plus a fee of 20% for inspection and administrative overhead therewith, shall be certified by the Code Enforcement Officer to the City Director of Financial Services/City Clerk and shall thereupon become and be a lien upon the property and shall be added to and become and form a part of the taxes next to be assessed and levied upon such lot or land and shall bear interest at the same rate as taxes and shall be collected and enforced by the same officer in the same manner as taxes levied and assessed against such property.

Section 2. This ordinance amendment shall take effect January 1, 2014.

Carried: 8 ayes, 0 nays

201407A11

BY COUNCILWOMAN JONES:

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

Section 1. Chapter 57-6, Riverfront Management Council; of the Code of the City of Jamestown is hereby amended as follows.

Powers and duties affecting the environment (as set out by § 57-4G through J) shall be effectuated by the Riverfront Management Council. The Riverfront Management Council shall be under the jurisdiction and control of the Parks, Recreation and Conservation Commission and shall consist of 15 members comprised of 14 citizen members and one City Council Member. Five members shall be citizen appointments and shall be residents of the City of Jamestown, Three members, including the Councilmanic member, shall be members of the Parks, Recreation and Conservation Commission. Seven members, who need not be residents of the City of Jamestown as a qualification for appointment, shall be the Chairman of the Chautauqua County Watershed Conservancy or his or her designated representative, the Chairman of the Roger Tory Peterson Institute or his or her designated representative, the Chairman of the Audubon Society or his or her designated representative, one representative of Jamestown High School and three student representatives of Jamestown High School. Members of said Riverfront Management Council shall be appointed by the Mayor to serve for terms of five years or until their successors are appointed. With the exception of the Councilmanic member, none of the members of the Riverfront Management Council shall be deemed to be officers of the City of Jamestown.

Section 2. This ordinance amendment shall take effect immediately.

Carried: 8 ayes, 0 nays

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**NEW BUSINESS**

201407A12

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 resignation.

- One (1) Engineering Technician in the Department of Public Works (funded in the 2014 General Fund Budget).

Carried: 8 ayes, 0 nays

201407A13

BY COUNCILWOMAN ECKLUND:

RESOLVED, That the City Comptroller be and he hereby is authorized to make the following amendments to the 2014 General Fund Budget for an emergency repair to DPW Storm Sewer Vactor Truck 56 as follows:

INCREASE:	Appropriations	\$14,000.00
	Central Garage-Equipment Repairs	
	A. 1640.0429	
DECREASE:	Appropriations	\$14,000.00
	Contingency	
	A.1990.0400	

Carried: 8 ayes, 0 nays

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201407A14

BY COUNCILMAN DOLCE:

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

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

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

RESOLVED, that effective immediately the Jamestown City Council hereby suspends the hiring freeze instituted by resolution number 200201C03 and resolution number 200611B17 to fill a vacancy and is mandated by the minimum staffing clause of the Collective Bargaining Agreement.

- One (1) Automotive Service Worker in the Department of Public Works (funded in the 2014 General Fund Budget).

Carried: 8 ayes, 0 nays

There being no further business, the meeting was adjourned.

James N. Olson  
Director of Financial Services/City Clerk