

July 29, 2024

City Council

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Proceedings by Authority

State of New York

City of Jamestown

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City Council Chambers

Prior to the Voting Session, at the conclusion of the Work Session a brief Executive Session was held regarding a Personnel Matter. No Action was taken.

A Regular Meeting of the City Council of the City of Jamestown, New York was held on Monday, July 29, 2024 at 7:30 p.m.

MEMBERS PRESENT: Council President Dolce, Councilman Sheldon, Councilwoman Brackman, Councilman Paterniti, Councilman Reynolds, Councilman Faulkner, Councilman Bonfiglio, Councilman Daversa, Councilman Russell

MEMBERS ABSENT:

OTHERS PRESENT: Mayor Kimberly A. Ecklund, City Clerk/Treasurer Jennifer Williams, Corporation Counsel Elliot Raimondo, Comptroller Ericka Thomas, Acting Director of Public Works and Acting Director of Parks Recreation and Conservation Mark Roetzer, Director of Development Crystal Surdyk, Police Chief Timothy Jackson, Deputy Fire Chief Matthew Coon, Administrative Assistant to the Mayor Ashlan Davis

Council President Anthony Dolce called the meeting to order, led the council in the Pledge of Allegiance. The invocation was given by the Rev. Mike Kerzee of Kidder Memorial Church.

Councilman Reynolds moved to approve the June 24, 2024 voting session minutes.

### **MESSAGES FROM THE MAYOR**

Mayor Ecklund issued a letter, welcoming Jeremy Dossey joined to the DPW Laborer and Christopher Szatkowski to the Jamestown Fire Department in May.

In July 2024, the City of Jamestown welcomed six new employees, including Nolan Emerson, Matthew Golombek, Colin Melquist, Walker Perry, Michael Scalise, and Lucas Willink to the Fire Department.

Additionally, we bid farewell to a dedicated City of Jamestown DPW employee who retired on July 29, 2024 from his 18-year position: Joseph Pollaro.

**OPPORTUNITY FOR PERSONS TO ADDRESS THE COUNCIL**

202407A01.00

Edward Vos of 33 Clyde Avenue, Jamestown, appeared before the City Council regarding the removal of homeless encampments in the city. He asked if there is a line item in the budget to assist the homeless in the city, if not, why not, and if so, how much? Will there be a line item in the 2025 budget? He spoke about obtaining grant funding to assist with this situation in the future. Mr. Voss suggested that porta-potties and needle boxes be provided for the tent cities to increase safety and sanitary conditions. The emergency declaration seemed a bit rushed. If churches and agencies had the funding to assist, they would have helped already. He would like the city to create a line item in the budget for \$100,000 or more, and work with the faith-based agencies.

202407A02.00

Josh Russell of 1634 W&J Blvd., Jamestown, appeared before the City Council to discuss the deterioration of Jamestown. What is being done to combat the down hill slide? There is nothing fun for residents to do and it is filled with drugs and crime. He would like to stay, but the way things are going, he feels that he and his family will have to leave.

202407A03.00

Melissa Paterniti of 346 Falconer Street, Jamestown, appeared before the City Council regarding the city. She asked why isn't the state of the city blamed on the residents, non-profits and agencies instead of city government. She referenced three executives of non-profits speaking poorly on social media and blaming Mayor Ecklund for the state of things. Many agencies have received a lot of money, but they have been slandering the mayor on social media. Ms. Paterniti noted that she has been working to get a house demolished and now after only seven months in office, Mayor Ecklund has made that happen. The hate in the city needs to stop.

202407A04.00

Mike Kerzee of 222 Park Street, Jamestown, appeared before the City Council to express how much he enjoys the city parks. He and his wife have been enjoying visiting the various city parks with his grandchildren.

202407A05.00

Cindy Shepherd of 107 Arlington Avenue, Jamestown, appeared before the City Council to express her hope for funding to help the homeless situation. The encampments are new to the city, but not new to the country. The homeless are humans and need to be helped with dignity and respect. Ms. Shepherd suggested training programs and would love to help get those off the ground.

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202407A06.00

Gina Ward of 1936 Camp Street, Jamestown, Associate Director of STEL, appeared before the City Council on behalf of the board of the Chautauqua County Homeless Coalition. Ms. Ward read a statement about homeless individuals and the HUD COC Program as it is committed to rehouse those experiencing homelessness. Short term street outreach teams are being mobilized to help the problem while a women's shelter and other housing options are being created. We need compassion, empathy and kindness.

202407A07.00

Lisa Schmidtfrerich-Miller of 112 Westminster Drive, Jamestown, appeared before the City Council to express her full support for the Rental Inspection Ordinance. It is long overdue. Issues aren't always the fault of the landlord and not always the fault of the tenant.

202407A07.00

Councilman Bonfiglio spoke regarding his experience with the homeless situation. When he was first elected, he took part in a ride along with the police department. During his ride along, he witnessed an eviction of homeless from private property. They were given a warning one week before and did not leave. Once they were evicted, they left a large mess behind. He expressed his desire to take care of this problem and not let it become like New York City, etc.

202407A08.00

City Clerk/Treasurer Jennifer John read the following constituent email into the record:

Dear Mayor Kim Eklund,

I was instructed by Doris Pappalardo, of St James, to contact you about possibly having the City of Jamestown acquire the plot of land that will soon be sold, that is attached to St John's Church on Newton Avenue in Jamestown NY. The reason for this is that currently that is the only location for BOCCE BALL League games in Jamestown NY. This church is one of four slated to be put up for sale by the Buffalo Diocese in September. As a result, Bocce Ball may disappear for many current players when the St John's Church building is sold since that is the only location for BOCCE BALL games right now in Jamestown NY.

Is this something the City of Jamestown could help with? This is what Doris Pappalardo suggested, that I ask you. Is there any way the City of Jamestown can approach the Catholic Diocese of Buffalo just to have that area at St Johns?

I know many of the players, who are in my immediate family, are interested in still playing in the League, but with the closure of the church that has the courts, the future of the Bocce Ball League is very uncertain. It is a great sport, keeping families and friends together for fun and recreation, spanning several generations. I hope this sport can continue here in Jamestown NY.

I wrote a short essay about this sport a few years ago. I have included you on the Google Doc as well, in case you are unable to open the requested PDF document below. I have made the

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pictures clickable, so you can be taken to the Post Journal Articles where they were originally published. This is to give you some context of the history of BOCCE in Jamestown NY, at least from my point of view, starting with watching my Dad play at the George Gaeta Club down by JCC in the early 1970s, when I was so young, and then moving over to St John in more recent years, where my three grown sons have joined him. He is always a proud trophy winner, every single year and sometimes even gets multiple trophies for playing on multiple nights. It breaks my heart to think my Dad won't have Bocce Ball anymore to play with his brother, his friends, his cousins, his nephews, his Barber, and his own three grown up grandsons. He even trained one of my grown sons to be the captain of his own team, whose team also proudly won a trophy last year and is aiming for another one this year. It will be. tremendous loss for us for sure, if there is no Bocce League for them to play in next year. I hope there is some way they can all still play.

I went online and found in the Post Journal that JPS is looking into making BOCCE BALL Teams, for students, and for sure they are going to need Bocce Tournament courts for this. I wonder if and how anything can come together, so that this sport does not disappear for the people who currently play Bocce Ball at St. John's.

**FINANCE COMMITTEE**

202407A01

BY COUNCILMAN SHELDON:

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 \$7,085,652.27 accordance with the period ending July 26, 2024 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 \$4,830,289.27 and payrolls in the total amount of \$2,255,363.00 as paid by the Comptroller and City Clerk/Treasurer, 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: 9 – 0

202407A02

BY COUNCILMAN SHELDON:

RESOLVED, that Paralegal, Tonya Taber, be, and hereby is authorized to attend the New York State Public Employer Labor Relations Association annual training conference to be held July 8 through 10, 2024, in Saratoga Springs, NY, with expenses to be paid pursuant to General Municipal Law.

Carried: 9 – 0

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202407A03

BY COUNCILMAN SHELDON:

WHEREAS, the County of Chautauqua heretofore applied for State funding under the New York State Division of Criminal Justices Services GIVE Grant Program for 2024 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, 2024 through June 30, 2025 with funding in the amount of Two Hundred Sixty-One Thousand, Three Hundred Fifteen Dollars and No Cents (\$261,315.00) provided by the State of New York.

Carried: 9 – 0

202407A04

BY COUNCILMAN SHELDON:

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

- One part-time GIVE Coordinator Assistant in the Jamestown Police Department

This position is funded by the GIVE XI award

Carried: 9 – 0

202407A05

BY COUNCILMAN FAULKNER:

RESOLVED, that the Jamestown Police Department be, and hereby is, authorized to enter into a purchase agreement with Jim Barnard Chevrolet, Inc., 7101 Buffalo Rd., Churchville, NY 14428, for one (1) 2025 Chevy Trailblazer, for a total purchase price of Twenty-Five Thousand, Nine Hundred Seventy-Six Dollars and Six Cents (\$25,976.06).

The vehicle will be purchased with funds provided in the Capital Requests portion of the 2024 budget.

Carried: 9 – 0

202407A06

BY COUNCILMAN FAULKNER:

RESOLVED, That Recruit Firefighters Sarah Hanlon, Chris Szatkowski, Nolan Emerson, Lucas Willink, Matthew Golombek, Michael Scalise, Walker Perry, and Colin Melquist be hereby authorized to attend the New York State Office of Fire Prevention and Control – Recruit Firefighter Training Program, as conducted by the New York State Academy of Fire Science, located at 600 College Avenue, Montour Falls, NY 14865, beginning July 29, 2024 and concluding November 8, 2024 with fees and expenses paid pursuant to Section 77-b of the General Municipal Laws of the State of New York.

Carried: 9 – 0

202407A07

BY COUNCILMAN FAULKNER:

RESOLVED, that the bid submitted by Support Enterprises, Inc., 92 Fairmount Avenue, Jamestown, NY 14701 to Furnish Janitorial Service: Municipal Building, in the following amounts, be and the same hereby is accepted:

Price per month (Year 1)	\$10,208.82
Price per month (Year 2)	\$10,515.08
Price per month (Year 3)	\$10,830.54
"Alternate A" – Price per month (Year 1)	\$4,416.46
"Alternate A" – Price per month (Year 2)	\$4,548.95
"Alternate A" – Price per month (Year 3)	\$4,685.42
<i>Requested work to be added:</i>	
(1) wall washing	\$0.25 sq ft cost
(2) carpet extraction	\$0.31 sq ft cost
(3) hard floor scrub & recoat – 2 coats wax	\$0.31 sq ft cost
(4) hard floor strip & 2 coats of wax	\$0.50 sq ft cost
(5) carpet bonneting	\$0.25 sq ft cost
(6) custodial labor – general	\$23.55 per hr cost

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(7) window cleaning (interior) 898.00 per number of times cost

per its bid opened April 16, 2024 this being the only bid received; and be it further

RESOLVED, that the Mayor be and she hereby is authorized to execute an agreement with Support Enterprises, Inc., 92 Fairmount Avenue, Jamestown, NY 14701 which agreement will reflect the services to be performed by Support Enterprises, Inc., at the prices referred to above. Said agreement shall be subject to approval as to form by the office of the Corporation Counsel.

\*Actual prices are based on prevailing wage schedules published every July 1<sup>st</sup> with rates reviewed and adjusted accordingly. If the prevailing rate for custodial goes up on July 1<sup>st</sup>, wages will be adjusted accordingly and the contract amount will be raised or lowed an equivalent amount and submitted for approval.

This is due to a change in the NYS Department of Labor regulations in which the prevailing wage is evaluated yearly on July 1<sup>st</sup>. The updated wage is effective on July 1<sup>st</sup> and applies to all contracts including multi-year contracts.

Carried: 9 – 0

**PUBLIC SAFETY COMMITTEE**

202407A08

**ORDINANCE 2024-07-02**

**RENTAL INSPECTION ORDINANCE**

**By Councilmember Russell**

**July 29, 2024**

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Jamestown as follows:

**Section 1.** Chapter 216 of the Jamestown City Code, entitled “Rental Inspection” is hereby established and shall read as follows:

**Legislative Intent**

- 1. The City of Jamestown recognizes that the preservation of existing rental housing stock is integral for persons who are residing within the city through a rental property. Rental housing provides affordable housing that is a vital asset and the**

City of Jamestown has a significant interest in ensuring the rental housing stock remains safe and desirable for all residents.

2. **Substandard and unsanitary residential units and/or buildings whose conditions violate state and local code must be remediated by the property owner to continue to provide housing for the City of Jamestown's residents. Substandard housing units are unsafe for occupancy and provide a negative impact on public health and safety.**
3. **Rental dwellings/units that are not code compliant create socioeconomic hardships that to not only impact the tenant but also negatively impact neighborhoods and communities.**
4. **Relying on a complaint-based code enforcement program is not efficient enough for the interior of rental units due to fear of retaliation to the tenant from the property owner, or the lack of awareness and education on state and local codes by the tenant.**
5. **Dwellings that threaten the health and safety of Jamestown residents will not be tolerated.**
6. **Registering rental housing properties in the City of Jamestown is required to maintain a proper log of all available and unavailable housing units in the city. Registration provides contacts for property owners and/or property managers in the event of an emergency located at the residence.**

### **§216-1 Definitions**

**CODE ENFORCEMENT PERSONNEL:** This term shall be defined in the same manner it is in Chapter 215 of the Jamestown City Code.

**COMMON AREAS:** The areas in a rental housing building that are accessible to all occupants of the property, including, but not limited to, lobbies, laundry rooms, recreation areas, common kitchens, hallways, stairs, courtyards, light wells, garbage areas, boiler rooms, storage rooms, basements, roof areas, or parking garages or areas.

**DIRECTOR:** The Director of Development or his or her designee.

**ENGAGE IN THE BUSINESS OF RENTAL HOUSING:** Renting or offering to rent a rental housing unit.

**OWNER:** A person, persons, corporation, partnership, limited liability company, or any other entity holding fee title to the subject real property.

**RENTAL HOUSING UNIT:** A single unit providing living facilities for one or more persons that has permanent provisions for living, sleeping, and sanitation and is rented or available for rent to tenants.

**§216-2 Exemptions.**

All Rental Housing Units shall be subject to the requirements of this Chapter, except for the following:

- A. Rental Housing Units for transient lodging, including hotels, motels, inns, tourist homes. This exception does not apply to residential hotels.
- B. Rental Housing Units in a state licensed hospital, hospice, community care facility or nursing home; convent, monastery, or other facility occupied exclusively by members of a religious order; on-campus fraternity or sorority houses; or on-campus housing accommodations owned, operated, or managed by an institution of higher education or secondary school for occupancy by its students.
- C. Rental Housing Units that are owned, operated by, or receive funding or subsidies from federal, state, or local government entities and are inspected by the governmental entity at least once every five years.

**§216-3 Applicability.**

Nothing in this Chapter shall limit or prohibit the authority of City officers or employees from enforcing any other provision of this Code or any state or federal law under their jurisdiction. None of the inspection provisions shall prohibit, condition, or otherwise limit any inspection conducted under any other provision of this Code or other applicable law.

**§216-4 Local Contact Representative.**

- A. Each Owner of rental housing property shall designate a Local Contact Representative with full authority to act on behalf of the Owner for all purposes under this Chapter, including the acceptance of service of all notices from the City of Jamestown. The Owner of the rental housing property may act as the Local Contact Representative.

B. A Local Contact Representative shall establish and maintain a local telephone number and a residence or business address within a driving distance of no greater than one hour of the City of Jamestown. All official notices served on the Local Contact Representative shall be deemed to have been served on the Owner.

**§216-5 Registration and Fee Required.**

A. It shall be unlawful for any Owner to Engage in the Business of Rental Housing, unless:

1. Each Rental Housing Unit is registered with the City of Jamestown and
2. The Rental Housing Unit receives a Certificate of Occupancy and
3. The Inspection fee is paid for each Rental Housing Unit acquired after this ordinance takes effect.

B. A Rental Housing Unit is registered with the City of Jamestown when the Owner of the rental property submits a completed registration form, made available by the City, signed under penalty of perjury to the Department of Development. The registration form must contain the following information:

1. Description of the rental housing property, including, but not limited to, the street address and Assessor's Parcel Number;
2. Number and address or other description of all Rental Housing Units on the rental housing property;
3. Name and current contact information for the Owner of the rental housing property;
4. Name and current contact information for the Local Contact Representative, as described in this Chapter;
5. Name, address, and telephone number of the person or entity that a tenant is to contact when requesting repairs be made to their Rental Housing Unit and the contact's business relationship to the Owner;
6. The date, location, and type of violation(s) for all Rental Housing Units on the rental property for which the Owner has been cited in the past two years; and
7. Any other information reasonably required by the Director to carry out this Chapter.

C. Effective August 1, 2024 the registration requirement established by this section shall go into effect. Initial registration of rental housing units is due within 90 days of August 1, 2024. After the initial registration, the owner shall register each housing unit within 30 days of a change of Ownership.

**§216-6 Inspections Required.**

- A. All rental housing properties and Rental Housing Units are subject to routine inspections within 90 days of their transfer via deed to ensure that the rental housing complies with all applicable building, housing, and sanitation Codes and ordinances passed by both the State of New York and the City of Jamestown.
- B. If there are multiple housing units within a single rental housing property, the Code Enforcement Personnel shall, during this post-title transfer inspection, inspect the exterior of the property, all Common Areas, and every Rental Housing Unit contained therein.
- C. Failure to comply with the post-transfer inspection within the 90-day period shall result in the revocation of any certificate of occupancy issued for the premises in question pursuant to §215-52 of the Jamestown City Code.
- D. If no certificate of occupancy has previously been issued for a premises, one shall be issued pursuant to §215-52 at the successful completion of the inspection required herein.

**§216-7 Fees Established.**

- A. Certificate issuance and Initial Inspection fee. The fee, to be submitted at the time of application, for the issuance of a rental dwelling unit initial inspection and registration certificate and the first year fee shall be \$20 for a rental dwelling unit in a single-family dwelling and \$40 for a two or more-unit rental dwelling to finance the costs of inspection and enforcement by City of Jamestown. This fee shall be paid within sixty (60) days of the Owner's acquisition of the property via deed.
- B. Annual renewal fee. The owner of a rental dwelling unit shall pay an annual renewal fee of \$20 for a single-unit rental dwelling and \$40 for a two- or more- unit rental dwelling, commencing 12 months from initial certificate issuance, and payable each year thereafter. The owner remains obligated to pay such fee during ownership of the rental dwelling unit and shall pay any delinquencies therein before transferring all or any part of the ownership of said unit. Notwithstanding the foregoing, a new owner making application for a certificate is obligated, and shall be required, to pay all such current and delinquent annual fees with the application.
- C. Re-Inspection Fee. An Owner of a Rental Housing Unit shall pay a fee of \$25 per unit for each inspection after the second inspection in which violations of a state or local building code are found, unless such fee is waived by the Department of Development. Inspectors shall assess the fee, after consultation with the Building and Zoning Code Enforcement Officer or the Director of Development, when, in the evaluation by the inspector, the status of the violation has not progressed or been satisfactorily completed. The fee shall not be applicable to inspections ordered after the commencement of a court action.

D. Failure to Register Fee. A fee of \$50 per unit will be paid by owner for any unit they fail to register within one year of this ordinance taking effect.

E. No fee for new buildings. There shall be no fee charged for the issuance of a rental dwelling unit registration certificate for new dwellings at the completion of their construction covered by a building permit.

**§216-8 Notice of Inspection**

A. The Director shall serve written notice of the date and time of any inspection to be conducted under this Chapter, by mailing such notice by first class mail at least 14 calendar days prior to the date of inspection. The Director shall mail the notice to the occupants of each Rental Housing Unit, the Owner, and the Local Contact Representative to the addresses provided on the registration application, as described above. The Director or his or her designee, shall prepare this notice as soon as is practicable upon their discovery that the property to be inspected has been transferred via deed.

**§216-9 Entry.**

A. The Owner or Local Contact Representative shall provide the Code Enforcement Personnel with access to all common areas and units on the rental housing property during the post-title transfer inspections.

B. The Owner or Local Contact Representative is responsible for obtaining the consent of the tenant of the Rental Housing Unit for the Code Enforcement Personnel's entry to inspect the unit. If the tenant does not consent to the entry for inspection, the Director is authorized to seek an inspection warrant from a court of competent jurisdiction. If a tenant or occupant of a rental housing unit refuses to allow the inspection, the Owner is not in violation of this section.

C. If the Code Enforcement Personnel has reasonable cause to believe that the rental housing unit is so hazardous, unsafe, or dangerous as to require immediate inspection to safeguard the public health or safety, the Code Enforcement Personnel shall have the right to immediately enter and inspect the premises and may use any reasonable means required to affect the entry and make an inspection.

**§216-10 Results of Inspection.**

A. If the Code Enforcement Personnel find no code violations, the Code Enforcement Personnel shall issue a notice of compliance that shall state in plain language that the property is in compliance with all applicable laws. The Code Enforcement Personnel shall mail the notice to the occupants of each rental housing unit, the Owner, and the Local Contact Representative to the addresses provided on the registration application described above.

B. If the Code Enforcement Personnel find no code violations, the Code Enforcement Personnel shall issue a Certificate of Occupancy as pursuant to [§215- 52] in addition to the notice of compliance.

C. If upon inspection, the Code Enforcement Personnel discovers one or more violations of this Code and any other applicable law, the Director shall cause to be issued a notice and order to the Owner and Local Contact Representative to correct the violations. The order shall state in plain language the violations of law found and the sections of law with which the property is not in compliance. The order shall also state that failure to correct the violations may result in additional inspection fees under this Chapter and other enforcement actions. The Director shall mail the notice and order to the occupants of each Rental Housing Unit, the Owner, and the Local Contact Representative to the addresses provided on the registration application.

D. If the Director determines that the conditions pose a present, imminent, extreme and immediate hazard to health or safety, he or she shall order abatement of the conditions within 48 hours. Within 24 hours after the time to abate, the Director shall conduct a re-inspection of the property or rental housing unit to determine compliance with the order. If the condition has not been abated, the Director is authorized to make the necessary repairs to ensure immediate repair of dangerous, life-threatening conditions.

E. Except as provided in subsection (C), the Director shall specify a reasonable time period for correction of the violations, depending on the severity of the condition, between 72 hours and 60 days from receipt of the order to correct the violations and schedule a re-inspection of the property. The City of Jamestown shall impose a fee for the additional inspection required under this subsection. The City may also commence any enforcement action as provided in this Chapter or Chapter 215 of the Jamestown City Code.

F. Except for conditions specified in subsection (C), if the violation has not been corrected by the compliance date, but the Owner has made significant progress in correcting the violation since the prior inspection, the Director may grant a single extension of time not to exceed 45 days.

### **§ 216-11 Lead Clearance**

A. No person shall disturb or remove lead-based paint or in any other way generate excessive dust or debris during work on the interior or exterior of any existing building or structure except in accordance with the requirements of this section. Any home improvement contractor, property management firm, handyman or other person compensated for renovation work that involves window replacement or that disturbs more than six square feet of interior, and/or more than 20 square feet of exterior, paint or surface coating, in a residential building or child-occupied facility for which the original construction was completed prior to January 1, 1978, must possess an EPA RRP certification. This section shall not apply to activities that disturb or remove paint

where the activities are being performed on buildings on which construction was completed on or after January 1, 1978.

**§ 216-12 Residential Certificates of Occupancy.**

A. When required:

1. No person shall permit the occupancy of a one-family rental dwelling, a building containing two or more dwelling units, or a mixed-occupancy building containing one or more dwelling units unless a valid certificate of occupancy is in effect for said building. If such a building is occupied in violation of this section, a ticket may be served on the owner of the building. The violation shall be considered a high-level violation for which the penalties set forth in **§ 215-68** of the Municipal Code shall apply.

2. In addition to the requirements of **§ 216** the City Code, a certificate of occupancy or a conditional certificate of occupancy must be obtained within 60 days prior to the occurrence of any of the following:

a. The transfer of title to a new owner of any two-family dwelling unless a certificate of occupancy has been issued within two years of the transfer date.

b. The re-occupancy of a dwelling which has been entirely vacant for more than two months, unless a certificate of occupancy has been issued within a year of the re-occupancy.

c. A change of occupancy or use that would bring a dwelling under a different or additional classification of this chapter, the Building Code, Zoning Code, Fire Prevention Code or other provisions of the City Code.

d. The expiration or termination of a valid certificate of occupancy for a subject dwelling.

e. A change of occupancy whereby a one-family dwelling or a two-family dwelling is no longer occupied by the owner, or a spouse, child, parent or sibling of the owner. For one-family dwellings or two-family dwellings that are not

occupied by an owner, or a spouse, child, parent or sibling of the owner, a certificate of occupancy or a conditional certificate of occupancy shall be obtained immediately, but in no event later than 60 days after notice is sent by the City by regular first-class mail to the owner, at the owner's address on file with the City.

**§216-13 Penalties.**

- A. If, after re-inspection of the property, the Owner fails to correct the conditions in violation of the law, the City may seek compliance by any remedy allowed under this Code or state law.
- B. Any person who violates a provision of this chapter shall be guilty of a misdemeanor.
- C. Any person or entity that violates a provision of this chapter shall be liable for a civil penalty of up to \$250 for each day the violation is committed or permitted to continue. The penalty shall be assessed and recovered in a civil action brought by the City's Corporation Counsel office in a court of competent jurisdiction. The City shall be entitled to the costs of enforcing this chapter, pursuant to a court order.
- D. The remedies provided in this Chapter shall be cumulative and not exclusive of any other remedies available under federal, state, or local laws.

**§216-14 Tenant Protections.**

- A. Retaliatory Eviction. It shall be unlawful for an Owner to recover possession of a rental housing unit in retaliation of a tenant for exercising his or her right to file a complaint with the City advising that a building, housing, sanitation Code or ordinance violation or permit violation may exist on the property.
- B. Rent Increase or other Retaliatory Actions. If an order is made under this Chapter, the Owner shall not:
  - 1. Increase the rent for the existing tenants of any rental housing unit that is the subject of the order from the date of the order to a period of one year after the Director determines that the Owner has complied with the order or

2. Engage in other types of retaliatory conduct, including, but not limited to, depriving the tenants of use of the premises, decreasing services, or otherwise interfering with the tenants' rights under the lease.

C. Relocation costs. If the Director finds it is necessary to vacate any rental housing unit because of an unsafe or unsanitary condition, or to correct any violations, the costs and expenses of any tenant shall be the responsibility of the Owner.

**Section 2.** §215-41.1, entitled "Landlord registration form required" is hereby repealed.

**Section 3.** All ordinances and parts of ordinances hereto passed which are inconsistent with any provision of this ordinance are hereby repealed.

**Section 4.** **Effective Date.** This ordinance shall take effect immediately upon adoption and publication according to law.

Carried : 9 – 0

202407A09

Resolution Number 9 was pulled prior to the Voting Session for further discussion.

202407A10

BY COUNCILMAN PATERNITI:

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

Erin J. Simons

September 1, 2024 – August 31, 2026

Carried: 9 – 0

### **REPORTS OF COUNCILMEMBERS ON HISTORICAL BOARDS**

Councilman Reynolds spoke regarding the Fenton Historical Society's volunteer picnic. It was a good turnout and a well-deserved honor for those who give their time to the museum. The volunteers, just within the first six months of the year have saved the museum over \$70,000. He commended the volunteers for such a great job of running and maintaining the history center.

### **NEW BUSINESS**

July 29, 2024

202407A11

BY COUNCILMAN SHELDON:

WHEREAS, St. Luke's Episcopal Church is applying to the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) for a grant for a historic preservation project to be located at 404-410 North Main Street, a site located within the territorial jurisdiction of this Council; and

WHEREAS, as a requirement under the rules of this program, said not-for-profit corporation must obtain the "approval/endorsement of the governing body of the municipality in which the project will be located";

NOW, THEREFORE, be it resolved that the Council hereby does approve and endorse the application of St. Luke's Episcopal Church for a grant through New York State OPRHP for a historic preservation project located within this community.

Councilman Dolce noted that this is a support resolution. City money will not be given. Local government support is needed in order to apply.

Carried: 9 – 0

202407A12

BY COUNCILMAN SHELDON:

WHEREAS, funding has become available through the 2024 Consolidated Funding Application (CFA) to advance the State's efforts to improve New York's business climate and expand economic growth; and

WHEREAS, NYS Office of Parks, Recreation and Historic Preservation has made available Twenty-Six Million Dollars and No Cents (\$26,000,000.00) statewide and is soliciting applications for up to Six Hundred Seventy-Five Thousand Dollars and No Cents (\$675,000.00) in Environmental Protection Fund Grants Program for Parks, Preservation and Heritage (EPF) through the CFA process; and

WHEREAS, the City of Jamestown is eligible to apply for project funding through NYS CFA process; and

WHEREAS, the Arcade Building, formerly known as the Haglund Building, is an historic local landmark built in 1898 and identified as a contributing structure to the City's Historic District, has been long vacant, has fallen into severe disrepair and is in need of stabilization requiring a professional structural engineering evaluation and stabilization plan; now therefore be it

RESOLVED, that the Mayor is hereby authorized to sign any documents related to the submission of the 2024 CFA Environmental Protection Fund Grants Program for Parks, Preservation and Heritage Grant program and does also hereby authorize the Mayor to execute all necessary documents with New York State should the City of Jamestown be successful in securing funding through the CFA submission process.

Carried: 9 – 0

202407A13

BY COUNCILMAN SHELDON:

July 29, 2024

WHEREAS, funding has become available through the 2024 Consolidated Funding Application (CFA) to advance the State's efforts to improve New York's business climate and expand economic growth; and

WHEREAS, Empire State Development (ESD) has made available Forty Million Dollars and No Cents (\$40,000,000.00) statewide and is soliciting applications for up to Three Million Dollars and No Cents (\$3,000,000.00) in Capital Improvement Grant funding for Pro-Housing Communities through the CFA process; and

WHEREAS, the City of Jamestown is eligible to apply for project funding through NYS CFA process; and

WHEREAS, the City of Jamestown's Department of Development created the 19A Housing Rehabilitation Program to provide rehabilitated homes to qualified individuals and families to stabilize and revitalize city neighborhoods, increase access to affordable quality housing stock, improve property values, increase the tax base in the city and begin to address the housing crisis being felt across the state; now therefore be it

RESOLVED, that the Mayor is hereby authorized to sign any documents related to the submission of the 2024 CFA ESD Capital Improvement Grant program and does also hereby authorize the Mayor to execute all necessary documents with New York State should the City of Jamestown be successful in securing funding through the CFA submission process.

Carried: 9 – 0

202407A14

BY COUNCILMAN SHELDON:

Resolution rescinding Resolution 202403A06, adopted March 25, 2024 with Charter Communications, Inc. D/B/A as Spectrum for a fifteen (15) year franchise agreement.

Carried: 9 – 0

202407A15

BY COUNCILMAN SHELDON:

Resolution rescinding Resolution 202403A06, adopted March 25, 2024 with Charter Communications, Inc. D/B/A as Spectrum for a fifteen (15) year franchise agreement.

Carried: 9 – 0

202407A16

BY COUNCILMAN RUSSELL:

RESOLVED, that the Jamestown Police Department be, and hereby is, authorized to purchase items with previously approved Discovery Grant Funds of Twenty Thousand Dollars and No Cents (\$20,000.00). A detailed list of items has been attached to this resolution.

Carried: 9 – 0

202407A17

BY COUNCILMAN REYNOLDS:

July 29, 2024

RESOLVED, that Fire Lieutenants Kyle R. Sholl and Andrew M. Caruso be and they hereby are authorized to attend the New York State Office of Fire Prevention and Control - First Line Supervisors Training Program, Class #524, as conducted by the Fire Department of the City of New York, with classes to be held at the City of New York's Fire Academy in Queens, New York beginning July 29, 2024 and concluding August 23, 2024, with fees and expenses paid by the State of New York, Department of Homeland Security and Emergency Services, Office of Fire Prevention and Control.

Carried: 9 – 0

202407A18

BY COUNCILMAN PATERNITI:

RESOLVED, that the Mayor and Deputy Fire Chief be hereby authorized to enter into an agreement with Gorman Enterprises (d/b/a W.N.Y. Bus Parts, Inc.), 691 Bullis Road, Elma, NY 14059 for the purchase of one (1) Stryker 6252 Stair Pro (manual stair chair), for a total amount not to exceed Four Thousand, Six Hundred Ninety Dollars and No Cents (\$4,690.00), subject to the approval of Corporation Council as to form.

Carried: 9 – 0

202407A19

BY COUNCILMAN DAVERSA:

RESOLVED, that the Mayor be and he hereby is authorized to execute an agreement with R. Patti Concrete Excavating, LLC PO Box 3081, Jamestown, NY 14701 for ADA Sidewalk Ramps 2024 based on the bid opening July 17, 2024 in the following amounts:

4000 SF 4" Concrete Flat Work includes excavation and landscaping @ \$20.25 SF  
1650 SF 6" Concrete Flat Work includes excavation and landscaping @ \$21.25 SF  
600 LF Concrete Curb and Gutter, includes excavation, landscaping and 18" wide blacktop or brick street repair @ \$85.00 LF  
650 SF Cast Iron Detectable Warning Plates @ \$7.00 SF  
250 SF/2" Lift Purchase and place, Warm Asphalt Mix (WMA) 12.5 mm binder, 80 series compaction, NYSDOT item 402.128101 (2") @ \$16.00  
SF20 SY Brick Pavement Repair @ \$150.00 SY

for a total bid amount of One Hundred Seventy-Eight Thousand, Six Hundred Twelve Dollars and Fifty Cents (\$178,612.50) subject to the approval of Corporation Counsel as to form.

Carried: 9 – 0

202407A20

BY COUNCILMAN BONFIGLIO:

July 29, 2024

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

Laborer in the Department of Public Works.

This position is vacant as the result of a resignation.

Carried: 9 – 0

202407A21

BY COUNCILMAN FAULKNER:

RESOLVED, that the Mayor be and she hereby is authorized to execute an agreement with Jamestown Roofing, 119 Clifton Avenue, Jamestown, NY for Jamestown City Hall Select Roof Repairs:

- 1 ea. Select Roof Repairs @ \$685,000.00
- 1 ea. Parapet Wall Rehabilitation @ \$120,000.00
- 1 Lump Sum Contingency Allowance @ \$100,000.00

for a total bid amount of Nine Hundred Five Thousand Dollars and No Cents (\$905,000.00), subject to the approval of the Corporation Counsel as to form. The project will be funded through ARPA funds.

Carried: 9 – 0

202407A22

BY COUNCILMAN FAULKNER:

RESOLVED, that the Mayor be and she hereby is authorized to execute an agreement with Greenman-Pedersen, Inc., 403 Main Street, Buffalo, NY 14203 in an amount not to exceed Twenty-Seven Thousand Three Hundred Dollars and No Cents (\$27,300.00) for services during construction for Roof Replacement of City's Municipal Building subject to approval by the office of the Corporation Counsel as to form.

July 29, 2024

Carried: 9 – 0

202407A23

BY COUNCILMAN FAULKNER:

RESOLVED, that the Mayor be and she hereby is authorized to execute an agreement with Greenman-Pedersen, Inc., 403 Main Street, Buffalo, NY 14203 in an amount not to exceed Thirteen Thousand, One Hundred Fifty Dollars and No Cents (\$13,150.00) for Engineering services for the Engineering Proposal for Roof Replacement of City's Municipal Building subject to approval by the office of the Corporation Counsel as to form.

Carried: 9 – 0

202407A24

BY COUNCILWOMAN BRACKMAN:

RESOLVED, that the Mayor be and she hereby is authorized to execute an agreement R. Patti Concrete Excavating, LLC, P.O. Box 3081, Jamestown, NY 14701 for Street Reconstruction 2024: Shaw Avenue – Maple Street to Beech Street

1100 SF 4" Flatwork @ \$14.00 SF  
1025 SF 6" Flatwork @ \$14.50 SF  
550 LF Curb/Gutter In-Kind at \$60.00 LF  
5 SY Brick Replacement at \$140.00 SY  
3 EA Drain Pipe @ \$0.00  
5 CY Additional Excavation @ \$0.00  
150 SF/2" lift Warm Mix Asphalt 12.5mm binder @ \$3.50  
2 EA 24" x 30" ADA Cast Iron Detectable Warning Plates @ \$200.00 EA  
1 Lump Sum Landscape Restoration @ \$2,000.00

for a total bid amount of Sixty-Six Thousand, Eight Hundred Eighty-Seven Dollars and Fifty Cents (\$66,887.50), subject to the approval of the Corporation Counsel as to form. The project will be funded through CHIPS funds.

Carried: 9 – 0

202407A25

BY COUNCILMAN DAVERSA:

RESOLVED, that the Mayor be, and she hereby is, authorized to enter into an agreement with the County of Chautauqua for Snow Removal and Ice Control Services, for the time period May 1, 2024 through April 30, 2027 in the amount of Six Thousand, Seven Hundred Ninety-Five Dollars and No Cents (\$6,795.00) per center line mile for the 2024-2025 season; Seven Thousand, Sixty-Six Dollars and No Cents (\$7,066.00) per center line mile for the 2025-2026 season; and Seven Thousand, Three Hundred Forty-Eight Dollars and No Cents (\$7,348.00) for the 2026-2027 season, subject to the approval of the Corporation Counsel as to form.

Carried: 9 – 0

202407A26

July 29, 2024

BY COUNCILMAN REYNOLDS:

WHEREAS, the City of Jamestown, with the assistance of Barton & Loguidice, has gathered information and prepared the Chautauqua County Multi-Jurisdictional Hazard Mitigation Plan; and

WHEREAS, the Chautauqua County Multi-Jurisdictional Hazard Mitigation Plan has been prepared in accordance with the Disaster Mitigation Act of 2000; and

WHEREAS City of Jamestown is a local unit of government that has afforded the citizens an opportunity to comment and provide input in the Plan and the actions in the Plan; and

WHEREAS, City of Jamestown has reviewed the Plan and affirms that the plan will be updated no less than every five years; now, therefore, be it

RESOLVED by the City Council that the City of Jamestown adopts the Chautauqua County Multi-Jurisdictional Plan as its jurisdiction's Natural Hazard Mitigation Plan, and resolves to execute the actions in the Plan.

Carried: 9 – 0

Councilman Dolce responded to comments made during public comment. He assured the audience that the city is doing all they can to improve and alleviate the quality-of-life concerns.

He also clarified that the decision to declare a state of emergency was a mayoral decision. The City Council approves it, but it was the mayoral decision. The state of emergency was made to assist with clean up and combating the issues. The problem has blossomed over the past few months and the city is not currently equipped to handle the situation. The city is working hard to come up with a plan to help the people and protect the integrity of the city.

Councilman Sheldon highlighted all of the wonderful festivals, baseball games, Comedy Festival block parties, etc., inside the city.

Councilman Dolce congratulated the Babe Ruth World Series Committee on a wonderful car show and for once again bringing the Babe Ruth World Series back to the City of Jamestown in 2025.

There being no further business, the meeting was adjourned.  
Jennifer R. Williams, City Clerk/ Treasurer