



Agenda

Jamestown City Council
Monday, October 27, 2025
7:30 P.M.
Council Chambers, Second Floor

Budget Presentation: DPW and Parks Department – 6:00 p.m. – 7:30 p.m., Police Training Room.

STANDING COMMITTEES

Finance, et. al., Committee

1. Resolution authorizing payment of the regular audit.
2. Resolution supporting the submission of the Office of Strategic Workforce Development (OSWD) application by the Builders Exchange for the Southern Tier for funding to be provided by the Pay for Performance (P4P) Grant Program.
3. Resolution supporting the submission of the Office of Strategic Workforce Development (OSWD) application by the Builders Exchange for the Southern Tier for funding to be provided by the Workforce Development Capital Grant Program.
4. Resolution authorizing the Mayor to execute all necessary documents with the Appalachian Regional Commission, should the City of Jamestown be successful in securing funding for said Trades Training Program.
5. Resolution authorizing the Mayor to sign any documents related to the submission of the 2025 Partnership for Public Spaces (PPS) grant application, and does also hereby authorize the Mayor to execute all necessary documents with PPS should the City of Jamestown be successful in securing funding through the submission process.
6. Resolution authorizing the Mayor to sign any documents related to the submission of the 2025 Chautauqua County 3% Occupancy Tax Tourism Product Development Grant application and to execute all necessary documents with Chautauqua County, should the City of Jamestown be successful in securing funding through the submission process.
7. Resolution supporting the updated permit fee schedule update, which shall go into effect January 1, 2026.

8. Resolution supporting the County Executive Paul M. Wendel Jr.'s proposal to establish a Government Efficiency Fund to aid local governments in pursuing shared services and structural reform initiatives.
9. Resolution supporting the submission to the WNY Regional Economic Development Council application for the 2025 Downtown Revitalization Initiative, and authorizing the Mayor to execute all necessary documents with The New York State Regional Economic Development Councils and The New York State Department of State, should the City of Jamestown be successful in securing funding for said downtown revitalization efforts.
10. Resolution authorizing the Mayor to execute a quit claim deed transferring title to a small corner lot know as Winsor Street, parcel SBL#387.12-1-19 from the City of Jamestown, to the Jamestown Urban Renewal Agency for the purpose of sale to a business.
11. Resolution authorizing the City Comptroller to amend the 2025 General Fund Budget for the purpose of appropriating funds toward the purchase of critical computer equipment for a total not to exceed Sixty Thousand, Six Hundred Forty-Three Dollars and No Cents (\$60,643.00).
12. Resolution authorizing Crime Analyst Holly Katta attend the New York State Division of Criminal Justice Services Crime Analyst Academy to be held at the DCJS Alfred E. Smith Building in Albany, NY from November 2nd through November 8th, 2025 with expenses paid by the New York State Division of Criminal Justice Services GIVE and STRIVE grants.
13. Resolution authorizing the City Comptroller to amend the 2025 General Fund Budget for the purpose of appropriating funds toward the replacement of the Topsoil Storage Facility for a total not to exceed Thirty-Five Thousand Dollars and No Cents (\$35,000.00).
14. Resolution authorizing the hiring of one Laborer in the Department of Public Works Streets Division. This position is vacant as the result of a retirement in November of 2025.
15. Resolution authorizing the hiring of one Laborer in the Department of Public Works Streets Division. This position is vacant as the result of a retirement in December of 2025.

Public Safety, et. al., Committee

16. Ordinance updating the Central Business District Parking Permit Fee from \$300.00 to \$600.00.

New Business

17. WHEREAS, The Jamestown City Council at a regular meeting held on September 21, 1981, authorized the Mayor of the City of Jamestown to enter into an agreement with the Jamestown Local Development Corporation delegating to the Jamestown Local Development Corporation responsibility for the processing and approval of loan applications for "first instance" Urban Development Action Grant re-use money; and

WHEREAS, Article V, Section 3 of said bylaws of the Jamestown Local Development Corporation requires that no loan of Urban Development Action Grant originated moneys in excess of One Hundred Thousand Dollars and No Cents (\$100,000.00) be placed without prior approval of the City Council of Jamestown, New York; and

WHEREAS, 137 Water Street Brewing LLC made application to the Jamestown Local Development Corporation for a loan of Two Hundred Thousand Dollars and No Cents (\$200,000.00) through the Jobs and Private Investment Loan Program (Tier I) as part of a Six Hundred Fifty Thousand Dollars and No Cents (\$650,000.00) project to renovate the structure and parcel at 137 Water Street; and

WHEREAS, the Board of Directors of the Jamestown Local Development Corporation, at its meeting held on October 15, 2025, gave preliminary approval for the loan to Ramsay Agriculture for Two Hundred Thousand Dollars and No Cents (\$200,000.00) at a 4.0% rate of interest for a ten (10) year term subject to the ratification by a majority vote of the City Council of Jamestown, New York; now therefore be it

RESOLVED, that the Jamestown City Council hereby approves the Jamestown Local Development Corporation Jobs and Private Investment (JAPI) Tier I loan to 137 Water Street Brewing LLC, in the amount of Two Hundred Thousand Dollars, and No Cents (\$200,000.00) at a fixed rate of four-percent (4.0%) interest for a term of ten (10) years with collateral being a first lien position on all machinery, equipment, and restaurant furniture to be purchased and used in operations at 137 Water Street Brewing Company, and personal guarantees from owners of 137 Water Street Brewing LLC; Jacob Berg, Chase Churchill, Michael Bidney, and Eric Kress. Loan approval is contingent upon successful completion of the Planning Commission process, and acquisition of a minimum 3-month reserve for working capital by the owners of 137 Water Street Brewing LLC.

18. WHEREAS, the Aid & Incentives for Municipalities (AIM) program provides essential, unrestricted state funding to cities, towns, and villages across New York to support local government operations, sustain the delivery of core public services, maintain infrastructure, and uphold public safety for residents and businesses; and

WHEREAS, for more than 15 years, AIM funding has remained stagnant, placing increasing strain on local budgets as municipalities face rising costs from inflation, employee benefits, state mandates, and aging infrastructure; and

WHEREAS, the FY 2024–2025 New York State Budget included \$50 million in Temporary Municipal Assistance (TMA) — the first increase in unrestricted municipal aid in more than a decade — however, this funding was authorized for only two fiscal years (FY 2024–2025 & FY 2025–2026), with no commitment for continuation thereafter, leaving municipalities once again facing uncertainty and fiscal instability in future budgets; and

WHEREAS, it is essential that this \$50 million TMA increase not only continue to be administered but also be expanded in the FY 2026–2027 State Budget to strengthen New York’s cities and villages, stabilize local budgets, ease the property-tax burden on residents, and ensure the fiscal stability necessary for responsible long-term planning; and

WHEREAS, establishing consistent and predictable growth in AIM funding — tied annually to inflation through a measure such as the Consumer Price Index (CPI) — would provide municipalities with the stability needed to preserve vital public services such as police, fire, and emergency medical response, maintain fiscal health, and limit dependence on property taxes; and

WHEREAS, municipalities across New York are facing unprecedented pressure on public safety budgets as departments contend with high call volumes, recruitment and retention challenges, and rising overtime, training, and equipment costs; and

WHEREAS, recent changes in state law — including revisions to bail statutes and expanded discovery requirements — have increased administrative and compliance burdens on local law enforcement, contributed to higher recidivism among repeat offenders, and placed additional strain on municipal resources; and

WHEREAS, at the same time, local revenue growth has stalled — with sales tax receipts remaining flat or only modestly increasing year over year despite escalating costs — forcing municipalities to stretch already limited budgets to sustain essential services; and

WHEREAS, New York State’s population continues to decline, particularly across upstate regions where shrinking tax bases are eroding local revenues; and

WHEREAS, the City of Jamestown has seen its population decline from approximately 31,903 in 2000 to an estimated 27,699 in 2025 — a reduction of approximately 13% — and faces the fiscal and operational challenges of delivering high-quality public services with a smaller resident base; and

WHEREAS, economic competitiveness remains a challenge across upstate and western New York, as high operating costs and regulatory complexity make it more difficult to attract and retain employers, further compounding local fiscal pressures; and

WHEREAS, strengthening AIM funding directly supports statewide goals of making New York safer, more affordable, and more economically competitive by providing local governments with the resources necessary to invest in public safety, infrastructure, housing, and workforce development; and

WHEREAS, the City of Jamestown joins the New York State Conference of Mayors (NYCOM) in calling for AIM funding to be indexed to inflation and for future increases to be directed toward measurable community outcomes, including infrastructure renewal, housing development, and public safety improvements;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Jamestown, in partnership with Mayor Kimberly Ecklund, strongly urges Governor Kathy Hochul and the New York State Legislature to:

Include a permanent increase in AIM funding in the FY 2026–2027 State Budget, above the current base, to reflect the true cost of local government operations;
Establish an annual cost-of-living adjustment tied to inflation, ensuring AIM funding grows predictably and sustainably; and

Make the \$50 million Temporary Municipal Assistance a permanent baseline investment in New York’s local governments;

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded to Governor Kathy Hochul, Senate Majority Leader Andrea Stewart-Cousins, Assembly Speaker Carl Heastie, Senator George Borrello, Assemblyman Andrew Molitor, and the New York State

Conference of Mayors, with the City's strong request that they support these measures in the upcoming FY 2026–2027 State Budget; and

BE IT FURTHER RESOLVED, that the City of Jamestown reaffirms its commitment to fiscal responsibility, efficient service delivery, and collaboration with State leaders to ensure that New York's cities and villages remain safe, sustainable, financially resilient, and positioned for long-term success.

19. WHEREAS, the New York State Department of Transportation (hereinafter referred to as "NYSDOT") is undertaking a capital project identified as:

NY RTE. 394; PRENDERGAST AVE TO JAMESTOWN CITY LINE CITY OF JAMESTOWN, VILLAGE OF FALCONER, TOWNS OF ELLICOTT AND POLAND, CHAUTAUQUA COUNTY
PIN 5064.36, D265506, and

WHEREAS, pursuant to Section 10, Subdivision 24, of the State Highway Law, the NYSDOT will include as part of the above-mentioned Project adjustment to municipal facilities as shown on the contract plans, meeting the requirements of the owner, and

WHEREAS, the Council on behalf of the City of Jamestown in Chautauqua County (hereinafter referred to as "Municipality") wishes to enact a resolution concerning proposed adjustments of the Municipality's facilities within the right-of-way of NY 394 within the geographical jurisdiction of the City of Jamestown, and

WHEREAS, the adjustment to the Municipality's facilities are shown on the contract plans relating to the Project are adjustment of manhole cover elevations, and

WHEREAS, the adjustment of the above-mentioned facilities will be done at the expense of the NYSDOT, and

WHEREAS, the service life the facilities adjusted by NYSDOT will not be extended, and
NOW, THEREFORE,

BE IT RESOLVED, that the Municipality does approve the adjustment to the facilities as shown in the Project plans and to be performed by the NYSDOT; and

BE IT FURTHER RESOLVED, that the Municipality will operate, maintain or cause to be maintained the adjusted facilities at the Municipalities expense and

BE IT FURTHER RESOLVED, that Mark Roetzer, Jr., P.E. the Acting Director of Public Works has the authority to sign, with the concurrence of the Municipality, all documentation that may become necessary as a result of the proposed adjustments as it relates to the Municipality; and

BE IT FURTHER RESOLVED: that the Clerk of the Municipality is hereby directed to transmit two (2) certified copies of the foregoing resolution to NYSDOT

20. WHEREAS Rand Precision Machining Company has gifted the City of Jamestown Police Department Three Thousand, Five Hundred Dollars and No Cents (\$3,500.00) for Drone and CNT Team necessities.

RESOLVED, that the City of Jamestown hereby accepts the donation, and be it further

RESOLVED, that the Jamestown City Council hereby extends its appreciation and gratitude on behalf of the citizens of the City of Jamestown to Kurt W. Grimm and the employees of Rand Precision Machining Company for the generous donation.

COUNCIL MEMBERS: PLEASE CONTACT THE COUNCIL PRESIDENT OR CITY CLERK IF UNABLE TO ATTEND THE REGULAR MEETING AT 7:30 P.M.

October 27, 2025
Resolution #2

BUILDERS EXCHANGE OF THE SOUTHERN TIER (BEST) OFFICE OF STRATEGIC WORKFORCE DEVELOPMENT (OSWD) PAY FOR PERFORMANCE (P4P) GRANT PROGRAM APPLICATION SUPPORTING RESOLUTION

BY COUNCIL:

WHEREAS, funding has become available through Round 9 of the Office of Strategic Workforce Development (OSWD) in the form of the Workforce Development Capital Grant Program Application to provide funding for capital expenses related to new or expanding workforce training programs, including modernization of existing training centers, building new facilities, or to purchase machinery and/or equipment for training; and

WHEREAS, the Office of Strategic Workforce Development has \$115 million of Pay for Performance (P4P) Grant Program funding available for grants on a competitive basis to eligible Community-based organizations, Not-for-profit organizations, Chambers of Commerce and Trade Associations, Certain Governmental Organizations (such as workforce development boards, Boards of Cooperative Educational Services (BOCES), municipalities, etc.), Higher educational institutions (public or private four-year colleges/universities, or two-year technical/community colleges), Career & technical education providers, Organized labor training programs, For-profit training providers; and

WHEREAS, the Builders Exchange of the Southern Tier meets the required criteria of the grant program to receive funding for eligible activities; and

WHEREAS, the Builders Exchange of the Southern Tier intends to make an application to support the operational resource need of their workforce training programs offering specialized job training in high-demand industries; now therefore be it

RESOLVED, that the City Council of Jamestown, New York is fully supportive of the Office of Strategic Workforce Development (OSWD) application submission by the Builders Exchange for the Southern Tier for funding to be provided by the Pay for Performance (P4P) Grant Program.

October 27, 2025
Resolution #3

BUILDERS EXCHANGE OF THE SOUTHERN TIER (BEST) OFFICE OF STRATEGIC WORKFORCE DEVELOPMENT (OSWD) CAPITAL GRANT PROGRAM APPLICATION SUPPORTING RESOLUTION

BY COUNCIL:

WHEREAS, funding has become available through Round 9 of the Office of Strategic Workforce Development (OSWD) in the form of the Workforce Development Capital Grant Program Application to provide funding for capital expenses related to new or expanding workforce training programs, including modernization of existing training centers, building new facilities, or to purchase machinery and/or equipment for training; and

WHEREAS, the Office of Strategic Workforce Development has \$35 million of Workforce Development Capital Grant Program funding available for grants on a competitive basis to eligible Community-based organizations, Not-for-profit organizations, Chambers of Commerce and Trade Associations, Certain Governmental Organizations (such as workforce development boards, Boards of Cooperative Educational Services (BOCES), municipalities, etc.), Higher educational institutions (public or private four-year colleges/universities, or two-year technical/community colleges), Career & technical education providers, Organized labor training programs, For-profit training providers to support the capital needs of workforce training providers that seek to enhance or expand their offerings; and

WHEREAS, the Builders Exchange of the Southern Tier meets the required criteria of the grant program to receive funding for eligible activities; and

WHEREAS, the Builders Exchange of the Southern Tier intends to make an application to support the capital needs of workforce training providers that seek to enhance or expand their offerings; now therefore be it

RESOLVED, that the City Council of Jamestown, New York is fully supportive of the Office of Strategic Workforce Development (OSWD) application submission by the Builders Exchange for the Southern Tier for funding to be provided by the Workforce Development Capital Grant Program.

October 27, 2025
Resolution #4

BY COUNCIL:

WHEREAS, as part of The Appalachian Regional Commission's (ARC) formation, it is an economic development entity representing a partnership of federal, state, and local governments and spans 423 counties across 13 states including Chautauqua County, New York; and

WHEREAS, in conjunction with the ARC's Partnerships for Opportunity and Workforce and Economic Revitalization Initiative process, federal grant funding is made available for projects that help Appalachian communities and regions that have been affected by job losses in coal mining, coal power plant operations and coal-related supply chain industries.; and

WHEREAS, the Jamestown Urban Renewal Agency is working to prepare for submission on or before November 22nd, 2025, the Partnerships for Opportunity and Workforce and Economic Revitalization Initiative application for the City of Jamestown, as part of an effort to help foster connections and further outreach to younger generations to solidify a reliable training pipeline, coordinate resources and support for hands-on training with broad community impact by partnering with local organizations in need of assistance, and providing essential soft skills training, wraparound services, and paid apprenticeships to trainees to ensure their success as they become employees; now therefore be it

RESOLVED, that the City Council is in full support for the submission to the WNY Regional Economic Development Council an application for the 2025 Partnerships for Opportunity and Workforce and Economic Revitalization Initiative to support the development of a comprehensive Trades Training Program in the Appalachian region; and be it further

RESOLVED, that the City Council hereby authorizes the Mayor to execute all necessary documents with Appalachian Regional Commission, should the City of Jamestown be successful in securing funding for said Trades Training Program.

October 27, 2025
Resolution #5

BY COUNCIL:

WHEREAS, funding has become available through the Project for Public Spaces (PPS) and General Motors (GM) to improve the street safety and usability of underutilized public spaces to expand economic growth; and

WHEREAS, The Project for Public Spaces (PPS) in partnership with General Motors (GM) has made available One Hundred Thousand Dollars and No Cents (\$100,000.00) in direct funding for organizations to transform key community public spaces, along with placemaking technical assistance and capacity building from their team.; and

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

WHEREAS, this funding would fill an existing budget shortfall that would allow the City to move forward with this project; now therefore be it

RESOLVED, that the Mayor is hereby authorized to sign any documents related to the submission of the 2025 Partnership for Public Spaces (PPS) grant application and does also hereby authorize the Mayor to execute all necessary documents with PPS should the City of Jamestown be successful in securing funding through the submission process.

October 27, 2025
Resolution #6

BY COUNCIL:

WHEREAS, funding has become available through Chautauqua County to increase the County's visibility as it relates to tourism and recreation while expanding economic stimulus; and

WHEREAS, Chautauqua County has made available a portion of the 5% bed tax in direct funding to help catalyze Chautauqua County as a place to visit or improve the likelihood of overnight stays.; and

WHEREAS, the City of Jamestown is eligible to apply for project funding through Chautauqua County's process; and

WHEREAS, this funding would fund a large-scale mural to complement the nearly \$2 Million investment in the Chadakoin River Basin area;

RESOLVED, that the Mayor is hereby authorized to sign any documents related to the submission of the 2025 Chautauqua County 3% Occupancy Tax Tourism Product Development Grant application; and be it further

RESOLVED, that the Mayor is authorized to execute all necessary documents with Chautauqua County, should the City of Jamestown be successful in securing funding through the submission process.

October 27, 2025
Resolution #7

BY COUNCIL:

WHEREAS, the City of Jamestown is authorized to establish and collect permit fees for services and regulatory oversight; and

WHEREAS, permit fees have not been updated in several years and current rates no longer reflect the actual cost of processing, inspection, administration, and enforcement; and

WHEREAS, a comprehensive review and cost analysis has been conducted by Department of Development to ensure permit fees are fair, reasonable, and consistent with the cost-of-service delivery; and

RESOLVED, that the City Council and Mayor Ecklund of Jamestown, New York are supportive of the permit fee schedule update as presented and shall go into effect January 1, 2026.

BY COUNCIL:

WHEREAS, the City of Jamestown recognizes the importance of maintaining fiscal responsibility and minimizing the financial burden on local taxpayers; and,

WHEREAS, increasing costs and the complexity of providing municipal services require innovative and cooperative approaches to governance at the local level; and,

WHEREAS, Chautauqua County Executive Paul M. Wendel Jr. has proposed the creation of a Government Efficiency Fund to assist municipalities in covering the upfront costs associated with exploring shared services, consolidations, mergers, and dissolutions with the goal of this fund being to reduce redundancies, streamline operations, and eliminate duplicate efforts, ultimately leading to significant cost savings; and,

WHEREAS, such a fund would provide critical financial support for feasibility studies, legal and administrative costs, and other necessary steps that often present a barrier to initiating conversations about restructuring and collaboration; and,

WHEREAS, the City of Jamestown believes that cooperation among neighboring municipalities is essential in the pursuit of more efficient and cost-effective government operations, with the ultimate goal of improving service delivery and reducing costs to residents;

NOW, THEREFORE, BE IT RESOLVED that the City Council of Jamestown, New York, hereby expresses its full support for County Executive Paul M. Wendel Jr.'s proposal to establish a Government Efficiency Fund to aid local governments in pursuing shared services and structural reform initiatives; and,

BE IT FURTHER RESOLVED that the City of Jamestown is committed to being an active and willing partner in future discussions and explorations of shared services, consolidations, mergers, or dissolutions, where such actions may benefit taxpayers and enhance government effectiveness; and,

BE IT FURTHER RESOLVED that the City Clerk will send a certified copy of this resolution to all neighboring municipalities within Chautauqua County, inviting them to consider whether there may be mutual interest in exploring opportunities for shared services, consolidations, mergers, or dissolutions. The City of Jamestown is open to engaging in discussions with any interested municipalities and is committed to working cooperatively to identify ways we can improve efficiency, reduce costs, and better serve our residents. We extend this invitation in the spirit of collaboration and fiscal responsibility, and welcome any communities who may wish to explore these possibilities together.

October 27, 2025
Resolution #9

BY COUNCIL:

WHEREAS, as part of Governor Kathy Hochul's Regional Economic Development Councils, the **Downtown Revitalization Initiative (DRI)** that is to be administered by the New York Department of State is an opportunity for one downtown from each of the ten (10) regional economic development councils to be nominated by their respective council for the award for which the submission must come from the respective municipal government entity; and

WHEREAS, in conjunction with the **Downtown Revitalization Initiative** process, up to \$10 million in each of 10 communities will be made available to aid in the transformation of communities toward the reinforcement of workforce infrastructure and employment. The initiative will place emphasis on the reinvestment of public and private funds into the downtown neighborhoods and surrounding areas; and

WHEREAS, the Jamestown Urban Renewal Agency is working to prepare for submission on or before November 7th, 2025, the **Downtown Revitalization Initiative** application for the City of Jamestown, as part of a community-wide stakeholder effort for said grant application, will focus on reimagining the underutilized Brooklyn Square, outline strategies for promoting and connecting waterfront activity throughout the City, adaptive re-use development projects and stabilization efforts of multiple key properties across Downtown, and updates to streetscape infrastructure and parking.

WHEREAS, said application is consistent with and in support of the City of Jamestown's Brownfield Opportunity Area Nomination Study (2017), Local Waterfront Redevelopment Plan (2018), Urban Design Plan 2.0 (2019), Chadakoin River Strategic Business Plan (2021), updated Comprehensive Plan (in progress – 2025/2026) and other studies regarding riverfront development and its importance to downtown redevelopment; now therefore be it

RESOLVED, that the City Council is in full support for the submission to the WNY Regional Economic Development Council an application for the 2025 **Downtown Revitalization Initiative**; and be it further

RESOLVED, that the City Council hereby authorizes the Mayor to execute all necessary documents with The New York State Regional Economic Development Councils and The New York State Department of State, should the City of Jamestown be successful in securing funding for said downtown revitalization efforts.

October 27, 2025
Resolution #10

BY COUNCIL:

RESOLVED, That the Mayor be and she hereby is authorized to execute a quit claim deed transferring title to a small corner lot know as Winsor Street, parcel SBL#387.12-1-19 from the City of Jamestown, to the Jamestown Urban Renewal Agency for the purpose of sale to a business.

October 27, 2025

Resolution #11

BY: COUNCIL

RESOLVED, That the City Comptroller be and she hereby is authorized to make the following amendment to the 2025 General Fund Budget for the purpose of appropriating funds toward the purchase of critical computer equipment for a total not to exceed Sixty Thousand Six Hundred Forty-Three Dollars and No Cents (\$60,643.00).

INCREASE:	Appropriations	\$60,643.00
A-3120-0201-0000	Police Computer equipment	\$28,480.00
A-3120-0204-0000	Police Office equipment	\$ 6,000.00
A-1680-0201-0000	IT Computer equipment	\$ 8,600.00
A-1440-0204-0000	Engineering/DPW Office equipment	\$ 8,000.00
A-1210-0204-0000	Mayor Office equipment	\$ 1,656.50
A-1420-0204-0000	Corporation Counsel Office equipment	\$ 1,656.50
A-1640-0201-0000	Fleet Computer equipment	\$ 2,250.00
A-1355-0201-0000	Assessor Computer equipment	\$ 1,800.00
A-3330-0201-0000	Parking Enforcement Computer equipment	\$ 1,500.00
A-3410-0201-0000	Wi-Fi Access Points	\$ 700.00
DECREASE:	Appropriations	\$60,643.00
A-1990-0400-0000	Contingency Account	\$60,643.00

October 27, 2025
Resolution #12

BY COUNCIL:

RESOLVED, that Crime Analyst Holly Katta be, and hereby is, authorized to attend the New York State Division of Criminal Justice Services Crime Analyst Academy to be held at the DCJS Alfred E. Smith Building in Albany, NY from November 2nd through November 8th, 2025 with expenses paid by the New York State Division of Criminal Justice Services GIVE and STRIVE grants.

BY COUNCIL:

RESOLVED, That the City Comptroller be and she hereby is authorized to make the following amendment to the 2025 General Fund Budget for the purpose of appropriating funds toward the replacement of the Topsoil Storage Facility for a total not to exceed Thirty-Five Thousand Dollars and No Cents (\$35,000.00):

INCREASE:	Appropriations	\$35,000.00
	Capital Account	
	A.1990.0400.0000	
DECREASE:	Appropriations	\$35,000.00
	Contingency	
	A.9551.0500.0000	

October 27, 2025
Resolution #14

BY COUNCIL:

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.

One (1) Laborer in the Department of Public Works Streets Division. This position is vacant as the result of a retirement in November of 2025.

October 27, 2025
Resolution #15

BY COUNCIL:

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.

One (1) Laborer in the Department of Public Works Streets Division. This position is vacant as the result of a retirement in December of 2025.

October 27, 2025
Item #16

BY COUNCIL:

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

Section 1. Section 290-47 (D) of the Code of the City of Jamestown is hereby amended as follows:

D. Vehicles owned by any person, firm or corporation, which person, firm or corporation has a place of business physically located within the two-hour free parking zones in the Central Business District as defined by § 290-33 of this chapter, which person, firm or corporation utilizes a vehicle or vehicles while making service calls, deliveries or pickups within said two-hour free parking zones in the Central Business District shall display on the vehicle driver's side sun visor or rearview mirror of such vehicle a permit exempting such vehicle from the provisions of § 290-33 of this chapter. Such permit or permits, as the case may be, shall be obtained by applying, in writing, to the office of the City Clerk/Treasurer and by paying an annual fee of ~~\$300~~ \$600 per vehicle. Each permit shall contain the dates valid and the license plate number of the designated vehicle. Permits so issued shall be applicable only to the vehicle for which application is made and shall not be transferable from vehicle to vehicle. Any vehicle not displaying the permit aforesaid shall not be exempt from the provisions of § 290-33 of this chapter. Nothing herein contained shall be deemed to exempt any vehicle displaying the permits authorized herein from the provisions of §§ 290-35 through 290-44 of this chapter.

Section 2. This ordinance amendment shall be effective January 1, 2026.




STAFF REPORT

DATE: October 22nd, 2025
TO: Kimberly A. Ecklund, Mayor
FROM: Crystal Surdyk, Director of Development

SUBJECT: RESOLUTION FOR APPROVAL OF JLDC JAPI TIER I LOAN TO 137 WATER STREET BREWING LLC

ACTION: Resolution Ordinance/Local Law Informational/Report

Approved and Forwarded to City Council


Kimberly A. Ecklund, Mayor

ISSUE STATEMENT: Approval of resolution for a Jamestown Local Development Corporation Jobs and Private Investment Tier I loan in the amount of \$200,000 to 137 Water Street Brewing LLC for the renovation of the structure and parcel at 137 Water Street.

BACKGROUND: The JLDC at its Board of Directors meeting on October 15th, 2025, gave preliminary approval for a Jobs and Private Investment (JAPI) Tier I loan to 137 Water Street Brewing LLC in the amount of two hundred thousand dollars (\$200,000) at a 4.0% rate of interest for a ten (10) year term to retrofit and renovate the existing building and parcel to support a brewery with a small kitchen and both indoor and outdoor seating. This project is also located around the corner from one of Ramsay Agriculture’s project sites, and both projects have the potential to act as catalysts for development along the historically underserved corridor.

Loan approval is contingent upon successful completion of the Planning Commission process, and acquisition of a minimum 3-month reserve for working capital by the owners of 137 Water Street Brewing LLC.

FISCAL IMPACT: The resolution to approve the JLDC JAPI Tier I loan in the amount of \$200,000 will assist in the startup of a new Jamestown business in a historically underserved area.

RECOMMENDATION: Staff requests that the City Council approve the JLDC JAPI Tier I loan in the amount of \$200,000 at a 4.0% rate of interest for a ten (10) year term to support the renovation of the structure and parcel at 137 Water Street, contingent upon the aforementioned terms.

ATTACHMENT(S):
1. Resolutions
2. Loan Packet

October 27, 2025
Resolution #17

BY COUNCIL:

WHEREAS, The Jamestown City Council at a regular meeting held on September 21, 1981, authorized the Mayor of the City of Jamestown to enter into an agreement with the Jamestown Local Development Corporation delegating to the Jamestown Local Development Corporation responsibility for the processing and approval of loan applications for “first instance” Urban Development Action Grant re-use money; and

WHEREAS, Article V, Section 3 of said bylaws of the Jamestown Local Development Corporation requires that no loan of Urban Development Action Grant originated moneys in excess of One Hundred Thousand Dollars and No Cents (\$100,000.00) be placed without prior approval of the City Council of Jamestown, New York; and

WHEREAS, 137 Water Street Brewing LLC made application to the Jamestown Local Development Corporation for a loan of Two Hundred Thousand Dollars and No Cents (\$200,000.00) through the Jobs and Private Investment Loan Program (Tier I) as part of a Six Hundred Fifty Thousand Dollars and No Cents (\$650,000.00) project to renovate the structure and parcel at 137 Water Street; and

WHEREAS, the Board of Directors of the Jamestown Local Development Corporation, at its meeting held on October 15, 2025, gave preliminary approval for the loan to Ramsay Agriculture for Two Hundred Thousand Dollars and No Cents (\$200,000.00) at a 4.0% rate of interest for a ten (10) year term subject to the ratification by a majority vote of the City Council of Jamestown, New York; now therefore be it

RESOLVED, that the Jamestown City Council hereby approves the Jamestown Local Development Corporation Jobs and Private Investment (JAPI) Tier I loan to 137 Water Street Brewing LLC, in the amount of Two Hundred Thousand Dollars, and No Cents (\$200,000.00) at a fixed rate of four-percent (4.0%) interest for a term of ten (10) years with collateral being a first lien position on all machinery, equipment, and restaurant furniture to be purchased and used in operations at 137 Water Street Brewing Company, and personal guarantees from owners of 137 Water Street Brewing LLC; Jacob Berg, Chase Churchill, Michael Bidney, and Eric Kress. Loan approval is contingent upon successful completion of the Planning Commission process, and acquisition of a minimum 3-month reserve for working capital by the owners of 137 Water Street Brewing LLC.



**CITY
OF
JAMESTOWN**
DEPARTMENT OF DEVELOPMENT

Crystal D. Surdyk
Director

Resolution to approve a Jobs and Private Investment (JAPI) Tier I loan application from 137 Water Street Brewing LLC, in the amount of two hundred thousand dollars, and no cents (\$200,000.00) at a fixed rate of four-percent (4.0%) interest for a term of ten (10) years with collateral being a first lien position on all machinery, equipment, and restaurant furniture to be purchased and used in operations at 137 Water Street Brewing Company, and personal guarantees from owners of 137 Water Street Brewing LLC; Jacob Berg, Chase Churchill, Michael Bidney, and Eric Kress. Loan approval is contingent upon successful completion of the Planning Commission process, and acquisition of a minimum 3-month reserve for working capital by the owners of 137 Water Street Brewing LLC.

Anthony Dolce made a motion to approve this JAPI Tier I loan in the amount of \$200,000 to 137 Water Street Brewing LLC, seconded by Wayne Rishell.

6 AYES

0 NAYS

Resolution adopted October 27th, 2025

I, Crystal Surdyk, the duly appointed, qualified Executive Director of the Jamestown Local Development Corporation DO HERBY CERTIFY that the aforementioned resolution is a true and correct copy of the resolution ratified and adopted by the Jamestown Local Development Agency at its meeting held on August 20th, 2025.

Crystal Surdyk

Municipal Building | 200 East Third Street, Jamestown, New York 14701
716-483-7541 | Fax 716-483-7772 | dod@jamestownny.gov | www.jamestownny.gov

JAMESTOWN LOCAL DEVELOPMENT CORPORATION
Jobs and Private Investment Loan (JAPI) Tier 1

137 WATER STREET BREWING LLC
137 Water Street, Jamestown, New York

Loan Report
October 15th, 2025

Total Project Cost		\$650,000		
Financing for Renovation of 137 Water Street, Jamestown, NY				
Debt Service	Loan	Interest	Terms	Monthly Services
JLDC	\$200,000	4.00%	10	\$2024.90
M&T <i>(*see schedule J)</i>	\$225,000	TBD	TBD	TBD
ESD <i>(*see schedule J)</i>	\$130,000	NA	NA	NA
Equity	\$65,000	NA	NA	NA
Total Amount	\$650,000			

NOTE: The project partners have committed to providing the required minimum developer equity of \$65,000 (10% of total cost) and have applied for a \$130,000 grant through Empire State Development’s Regional Council Capital Fund (20% of total cost). In addition to equity and grant funding, the partners are applying for a Tier I Loan in the amount of \$200,000. Once a final determination is made regarding the loan application and NYS grant, the remaining financing required to complete the capital stack will be secured through a business loan from M&T Bank, for which the partners have already been prequalified. This flexible structure ensures that the project is financially viable regardless of which loan product is awarded and that all funds will be secured to proceed with construction and equipment installation.

Collateral:

1. First position on all machinery, equipment, and restaurant furniture to be purchased and used in operations at 137 Water Street Brewing Company.
2. Personal guarantees from owners of 137 Water Street Brewing LLC; Jacob Berg, Chase Churchill, Michael Bidney, and Eric Kress.

History of 137 Water Street Brewing LLC:

137 Water St was created from a passion for beer and family. Founders Jake Berg, Mike Bidney, Rick Kress, and Chase Churchill envisioned a delightful venue where families can gather to savor delicious meals, parents can indulge in premium craft beer alongside their food, and the whole family can partake in hours of enjoyable entertainment, all while feeling warmly welcomed.

Since their presentation to the board in September, the group has been working to update and refine their plans and financials, as well as preparing to go before Planning Commission by the end of 2025.

Project Description

The 137 Water Street Brewery LLC project seeks funding from the JLDC to transform a long vacant property in a designated disadvantaged community area within Jamestown, NY. Water Street Brewing Company (WSBC) will operate as a five-day-per-week brewpub and taproom. The concept blends locally brewed craft beer, fresh food, and an expansive outdoor beer garden with live music and community events. The facility features approximately 3,200 sq. ft. of indoor space and 2,000 sq. ft. of outdoor seating overlooking the riverbank, with a total of about 300 seats. Operations are divided into two seasonal modes: Indoor Season (November–March) and Outdoor Season (April–October). The project is structured as 137 Water Street Brewing Company LLC, with four equal partners contributing equity and management oversight.

The plan for the site includes:

- Retrofit existing space to include brewing equipment, kitchen, bar and seating area, and indoor entertainment space within the existing building footprint, with the addition of a 40'x50' covered patio off of the main indoor dining space.
- Installation of brewing and kitchen equipment to support on-site craft beer production and food service.
- Creation of a welcoming venue that includes arcade games and a stage for live performances, with a focus on family-friendly entertainment.
- Job creation, offering fair wages and long-term employment opportunities – 17-24 part-time jobs are expected to be created within the first (5) years, in addition to full time positions for the brewmaster and the manager.

Sales Projections

Based on updated financial projections which assume room indoors to seat around 100 people indoors and an additional 200 outdoors in the warmer months, Water Street Brewing Company expects to generate \$987,500.00 in total revenue in its first year of operations, with a projected net profit of \$295,000.00. The brewery's production capacity of 364 barrels per year supports

sustainable growth and the ability to scale operations, improve margins, and increase market share over time.

Financial Analysis

<i>Year</i>	<i>Total Revenue</i>	<i>Gross Profit</i>	<i>Net Income</i>
1	\$987,500.00	\$708,531.00	\$295,000.00
2	\$1,027,000.00	\$737,500.00	\$313,000.00
3	\$1,068,000.00	\$766,000.00	\$331,000.00
4	\$1,111,000.00	\$797,000.00	\$351,000.00
5	\$1,155,000.00	\$829,000.00	\$372,000.00

Personal Financial Review

Personal financial statements were submitted by all partners. Statements have sufficient finances to honor personal guarantees on the requested amount of \$200,000 should that be necessary.

Banking Relationship

The partners of 137 Water Street Brewing LLC maintain banking relationships with multiple banks including M&T, Northwest, and Greater Chautauqua Federal Credit Union.

Recommendation

This loan is recommended based upon the following factors:

1. The project meets the purpose of Jamestown Local Development Corporation Jobs and Private Investment loan program.
2. The applicants projected ability to service the debt.
3. The investment in 137 Water Street Brewing Company is will provide benefit to the community, rehab a distressed property, and create numerous jobs.

It is further recommended that the loan request be approved as follows:

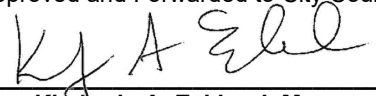
→ Contingent upon Planning Commission Approval:

- | |
|---|
| <ol style="list-style-type: none"> 1. First position on all machinery, equipment, and restaurant furniture to be purchased and used in operations at 137 Water Street Brewing Company. 2. Personal guarantees from owners of 137 Water Street Brewing LLC; Jacob Berg, Chase Churchill, Michael Bidney, and Eric Kress. |
|---|



STAFF REPORT

DATE: October 20, 2025
TO: Kimberly A. Ecklund, Mayor
FROM: Joseph Calimeri, Executive Assistant to Mayor
SUBJECT: Increased AIM Funding

Approved and Forwarded to City Council


Kimberly A. Ecklund, Mayor

ACTION: Resolution Ordinance/Local Law Informational/Report

ISSUE STATEMENT: The FY 2024–2025 New York State Budget included \$50 million in Temporary Municipal Assistance (TMA), marking the first increase in unrestricted municipal aid in over a decade. However, this funding was only authorized for two fiscal years (FY 2024–2025 and FY 2025–2026), with no guarantee of continuation beyond that period. As a result, municipalities face renewed uncertainty and potential fiscal instability in future budgets.

BACKGROUND: The Aid & Incentives for Municipalities (AIM) program provides vital, unrestricted state funding to cities, towns, and villages across New York. This support helps local governments maintain essential operations, deliver core public services, preserve infrastructure, and ensure public safety for both residents and businesses. The attached resolution respectfully urges the Governor and State Legislature to extend TMA and increase AIM funding in future state budgets, with provisions for AIM funding to be adjusted annually to reflect inflation.

FISCAL IMPACT: None.

RECOMMENDATION: The City Council approve the resolution.

ATTACHMENT(S): 1. Resolution

BY COUNCIL:

WHEREAS, the Aid & Incentives for Municipalities (AIM) program provides essential, unrestricted state funding to cities, towns, and villages across New York to support local government operations, sustain the delivery of core public services, maintain infrastructure, and uphold public safety for residents and businesses; and

WHEREAS, for more than 15 years, AIM funding has remained stagnant, placing increasing strain on local budgets as municipalities face rising costs from inflation, employee benefits, state mandates, and aging infrastructure; and

WHEREAS, the FY 2024–2025 New York State Budget included \$50 million in Temporary Municipal Assistance (TMA) — the first increase in unrestricted municipal aid in more than a decade — however, this funding was authorized for only two fiscal years (FY 2024–2025 & FY 2025–2026), with no commitment for continuation thereafter, leaving municipalities once again facing uncertainty and fiscal instability in future budgets; and

WHEREAS, it is essential that this \$50 million TMA increase not only continue to be administered but also be expanded in the FY 2026–2027 State Budget to strengthen New York’s cities and villages, stabilize local budgets, ease the property-tax burden on residents, and ensure the fiscal stability necessary for responsible long-term planning; and

WHEREAS, establishing consistent and predictable growth in AIM funding — tied annually to inflation through a measure such as the Consumer Price Index (CPI) — would provide municipalities with the stability needed to preserve vital public services such as police, fire, and emergency medical response, maintain fiscal health, and limit dependence on property taxes; and

WHEREAS, municipalities across New York are facing unprecedented pressure on public safety budgets as departments contend with high call volumes, recruitment and retention challenges, and rising overtime, training, and equipment costs; and

WHEREAS, recent changes in state law — including revisions to bail statutes and expanded discovery requirements — have increased administrative and compliance burdens on local law enforcement, contributed to higher recidivism among repeat offenders, and placed additional strain on municipal resources; and

WHEREAS, at the same time, local revenue growth has stalled — with sales tax receipts remaining flat or only modestly increasing year over year despite escalating costs — forcing municipalities to stretch already limited budgets to sustain essential services; and

WHEREAS, New York State’s population continues to decline, particularly across upstate regions where shrinking tax bases are eroding local revenues; and

WHEREAS, the City of Jamestown has seen its population decline from approximately 31,903 in 2000 to an estimated 27,699 in 2025 — a reduction of approximately 13% — and faces the fiscal and operational challenges of delivering high-quality public services with a smaller resident base; and

WHEREAS, economic competitiveness remains a challenge across upstate and western New York, as high operating costs and regulatory complexity make it more difficult to attract and retain employers, further compounding local fiscal pressures; and

WHEREAS, strengthening AIM funding directly supports statewide goals of making New York safer, more affordable, and more economically competitive by providing local governments

with the resources necessary to invest in public safety, infrastructure, housing, and workforce development; and

WHEREAS, the City of Jamestown joins the New York State Conference of Mayors (NYCOM) in calling for AIM funding to be indexed to inflation and for future increases to be directed toward measurable community outcomes, including infrastructure renewal, housing development, and public safety improvements;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Jamestown, in partnership with Mayor Kimberly Ecklund, strongly urges Governor Kathy Hochul and the New York State Legislature to:

Include a permanent increase in AIM funding in the FY 2026–2027 State Budget, above the current base, to reflect the true cost of local government operations;

Establish an annual cost-of-living adjustment tied to inflation, ensuring AIM funding grows predictably and sustainably; and

Make the \$50 million Temporary Municipal Assistance a permanent baseline investment in New York’s local governments;

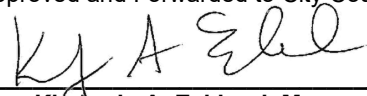
BE IT FURTHER RESOLVED, that copies of this resolution be forwarded to Governor Kathy Hochul, Senate Majority Leader Andrea Stewart-Cousins, Assembly Speaker Carl Heastie, Senator George Borrello, Assemblyman Andrew Molitor, and the New York State Conference of Mayors, with the City’s strong request that they support these measures in the upcoming FY 2026–2027 State Budget; and

BE IT FURTHER RESOLVED, that the City of Jamestown reaffirms its commitment to fiscal responsibility, efficient service delivery, and collaboration with State leaders to ensure that New York’s cities and villages remain safe, sustainable, financially resilient, and positioned for long-term success.



STAFF REPORT

DATE: October 22, 2025
TO: Kimberly A. Ecklund, Mayor
FROM: Mark Roetzer, Jr., P.E. – Acting Director of Public Works
SUBJECT: Agreement with NYSDOT – Storm Sewer Structure Modification (E. 2nd St.)

Approved and Forwarded to City Council


Kimberly A. Ecklund, Mayor

ACTION: Resolution Ordinance/Local Law Informational/Report

ISSUE STATEMENT: The New York State Department of Transportation (NYSDOT) is undertaking a roadway improvement project within the City of Jamestown. Portions of the City’s storm sewer system lie within the project limits and will need to be modified or adjusted. An agreement is required between NYSDOT and the City to allow the State’s contractor to perform this work on City-owned storm sewer structures.

BACKGROUND: To prevent conflicts and ensure the drainage system functions properly following construction, NYSDOT has requested permission for its contractor to adjust or reconstruct City-owned storm sewer structures as shown on the provided plans.

NYSDOT’s contractor will complete all necessary storm structure work in coordination with the City, and all work will be performed at the expense of the State’s project. Ownership and future maintenance of the storm sewer system will remain with the City.

FISCAL IMPACT: None. All work is to be paid for by the NYSDOT

RECOMMENDATION: Approve the agreement with the NYSDOT

ATTACHMENT(S):
1. Resolutions
2. Agreements

October 27, 2025
Resolution #19

Resolution Granting the State of New York Authority to Perform the Adjustment for the Owner and Agreeing to Maintain Facilities Adjusted Via State-let Contract

WHEREAS, the New York State Department of Transportation (hereinafter referred to as “NYSDOT”) is undertaking a capital project identified as:

NY RTE. 394; PRENDERGAST AVE TO JAMESTOWN CITY LINE CITY OF JAMESTOWN,
VILLAGE OF FALCONER, TOWNS OF ELLICOTT AND POLAND, CHAUTAUQUA
COUNTY
PIN 5064.36, D265506, and

WHEREAS, pursuant to Section 10, Subdivision 24, of the State Highway Law, the NYSDOT will include as part of the above-mentioned Project adjustment to municipal facilities as shown on the contract plans, meeting the requirements of the owner, and

WHEREAS, the Council on behalf of the City of Jamestown in Chautauqua County (hereinafter referred to as “Municipality”) wishes to enact a resolution concerning proposed adjustments of the Municipality’s facilities within the right-of-way of NY 394 within the geographical jurisdiction of the City of Jamestown, and

WHEREAS, the adjustment to the Municipality’s facilities are shown on the contract plans relating to the Project are adjustment of manhole cover elevations, and

WHEREAS, the adjustment of the above-mentioned facilities will be done at the expense of the NYSDOT, and

WHEREAS, the service life the facilities adjusted by NYSDOT will not be extended, and NOW, THEREFORE,

BE IT RESOLVED, that the Municipality does approve the adjustment to the facilities as shown in the Project plans and to be performed by the NYSDOT; and

BE IT FURTHER RESOLVED, that the Municipality will operate, maintain or cause to be maintained the adjusted facilities at the Municipalities expense and

BE IT FURTHER RESOLVED, that Mark Roetzer, Jr., P.E. the Acting Director of Public Works has the authority to sign, with the concurrence of the Municipality, all documentation that may become necessary as a result of the proposed adjustments as it relates to the Municipality; and

BE IT FURTHER RESOLVED: that the Clerk of the Municipality is hereby directed to transmit two (2) certified copies of the foregoing resolution to NYSDOT

**NEW YORK STATE DEPARTMENT OF TRANSPORTATION
UTILITY WORK AGREEMENT**

Since the construction, reconstruction, or maintenance of the transportation project described below, identified as:

Project Identification No.: 5064.36	F.A. Project No.:
ROW Declaration No.:	Map Nos.:
Parcel Nos.:	County of Chautauqua
Contract No.: D265506	

Project Description: NY Rte. 394; Prendergast Ave to Jamestown City Line
City of Jamestown, Village of Falconer, Towns of Ellicott and Poland,
Chautauqua County

NYSDOT – Municipal Reimbursement by Items and Labor Exchange (ILE)

necessitates the adjustment of utility facilities as hereinafter described, the owner, **City of Jamestown – Storm Water**, of said facilities herewith agrees with the State of New York acting through the Commissioner of Transportation that this agreement shall apply to the accommodation of these utility facilities. Any adjustment of said facilities will be accomplished under the terms of this agreement, in accordance with the Rules and Regulations Governing the Accommodation of Utilities within the State Highway Right-of-Way, in compliance with the attached Special Note, “Coordination with the Utility Schedule”, and in accordance with the contract plans, specifications, proposal, amendment(s) or change order(s).

I. Existing Facilities (describe type, size, capacity, location, etc.)

Jamestown has existing:

Storm water lines within the highway boundary of NY 394. (No Asbestos) at Site A – NY 394 from Prendergast Ave. to Jamestown City Line:

presently located on **NY State Right-of-Way** as shown on the plans for the proposed transportation project are to be adjusted as follows: (describe type, size, capacity, location, etc.)

Adjustment of manhole cover elevations.

per contract documents

for an estimated \$ N/A

**NEW YORK STATE DEPARTMENT OF TRANSPORTATION
UTILITY WORK AGREEMENT**

II. Financial Responsibility (check appropriate boxes):

- The facilities to be adjusted under the terms of this agreement are subject to Section 52 of the State Highway Law, and the cost of this adjustment is the sole responsibility of the owner.
- Subdivision 24 of Section 10 of the State Highway Law enables the Commissioner of Transportation to provide, at the expense of the State, for adjustment to a municipally owned utility when such work is necessary as a result of State highway work. (Municipal Agreement if required.)
- Subdivision 24-b of Section 10 of the State Highway Law enables the Commissioner of Transportation to participate in the necessary expenses incurred for adjustment of privately, publicly, or cooperatively owned facilities, municipal utility facilities, or facilities of a corporation organized pursuant to the State Transportation Corporations Law. (Privately Owned Property Agreement or Reimbursement Agreement required.)
- Subdivision 27 of Section 10 of the State Highway Law enables the Commissioner of Transportation, upon the request of a municipality, to perform for and at the expense of such municipality specified work to be included within a State-let contract. (Betterment Resolution required.)
- Subdivision 33 of Section 10 of the State Highway Law enables the Commissioner of Transportation, upon the request of a public utility corporation, to perform for and at the expense of such public utility corporation specified work to be included within a State-let contract.
- Subdivision 13 of Section 30 of the State Highway Law enables the Commissioner of Transportation to enter into an agreement to reimburse with public funds the owner for necessary expenses incurred as a result of this adjustment, or to replace the facilities in kind.
- The owner will develop and keep a record of costs in accordance with the New York State Department of Transportation (NYSDOT) Reimbursement Procedures, and when federal funds participate in the cost, the Federal Highway Administration (FHWA) Federal-Aid Policy Guide Part 645, or as indicated below:

**NEW YORK STATE DEPARTMENT OF TRANSPORTATION
UTILITY WORK AGREEMENT**

III. Physical Adjustment Method (check appropriate boxes):

The actual adjustment or design engineering will be performed by the following method (s):

- Contract let by the Commissioner.
- Contract let by the Owner. (check applicable statement, i.e., a or b)
 - a. Best Interests of State.
 - b. Utility not sufficiently staffed or equipped.
- By the Owner's forces.

IV. Betterment, Salvage, and Depreciation Credits Due the Project (check appropriate boxes):

- There will be no extension of service life, improved capacity, nor any other betterment of the facility (as defined by the NYSDOT Utility Reimbursement Procedures and by FHWA Federal-Aid Policy Guide Part 645) as a result of the adjustments made pursuant to this agreement.
- There is betterment described as follows:

- The owner will not claim reimbursement for that betterment portion of the work, but will duly account for it as required by applicable NYSDOT and FHWA procedures.
- The owner hereby agrees to deposit with the Comptroller of the State of New York the amount of \$_____ to cover the cost of the betterment as described above.
- The owner agrees to comply with the requirements of the NYSDOT Utility Reimbursement Procedure and FHWA Federal-Aid Policy Guide Part 645 with the respect to salvage and depreciation credits when applicable.

V. General Covenants

The owner hereby agrees to accept full title and responsibility for the adjusted facility in writing upon satisfactory completion of the work. Such acceptance will acknowledge the owner's responsibility to maintain the facility in accordance with all applicable codes, standards and regulations, including his obligation, where applicable, to remove any or all of the facility from the highway at the order of the Commissioner of Transportation, all in accordance with the Rules and Regulations Governing the Accommodation of Utilities within the State Highway Right-of-Way. All compensable claims covered by this agreement will be included in one of the following:

- A. Privately Owned Property Agreement executed prior to the performance of the work.
- B. Municipal Agreement executed prior to performance of the work.
- C. Reimbursement Agreement executed prior to performance of the work.
- D. Such other agreement as approved by NYSDOT Office of Legal Affairs.

**NEW YORK STATE DEPARTMENT OF TRANSPORTATION
UTILITY WORK AGREEMENT**

VI. References

The following documents are herewith incorporated in this agreement be reference (check appropriate boxes)

- Federal Highway Administration's Federal-Aid Policy Guide Part 645.
- Contract documents: Contract Number: D265506
PIN: 5064.36
Plan Sheets No.: Electronic copy of the proposed contract plans

Owner's Plan Sheets _____

Owner's Estimate Sheets Form No. FIN 223c _____

Resolution dated _____, by _____

Granting the State of New York authority to perform the adjustment for the owner.

Agreeing to maintain facilities adjusted via State-let contract.

Authorizing deposit of funds by the owner.

Certification by the owner or his agent that he has the legal authority to enter into this agreement.

Stakeholder's Name: City of Jamestown – Storm Water

Sign Here
←
with ink.

(Print/Type Name) Owner or Agent	(Signature)	Title	Date

	Statewide Utility Engineer	
Sherman Lane For the NYSDOT Commissioner of Transportation	Title	Date

SPECIAL NOTE**COORDINATION WITH THE UTILITY SCHEDULE**

The state's contractor must coordinate their schedule of operations with the various stakeholders involved with the project. The contractor shall verify facility information found in the contract documents. Stakeholders' facility adjustments in connection with this project include:

The City of Jamestown – Storm Water**Stakeholder's Field Contact:**

Mark Roetzer, Assistant Civil Engineer
 City of Jamestown, Public Works
 145 Steele Street
 Jamestown, NY 14701
 O: (716) 483-7545
 C: (716) 450-8836
dpw@jamestownny.gov

The City of Jamestown, the stakeholder, has existing facilities at this location:

Site No. A – NY 394 from Prendergast Ave. to JCL: - Existing storm water lines within the highway boundary of NY 394. (No Asbestos.)

Below is a general description of the work to be done and the agreed upon notification times. The details of the work are in the contract documents. Notifications must specify the work being done, by who, the location(s), and the schedule of the work. The stakeholder must be made aware of changes to this information. State's Engineer-In-Charge will provide record plans to the stakeholder of the State's contractor's adjustments to the stakeholder's facilities.

Reimbursable Work to be Done by the State's Contractor on the City of Jamestown-Storm Water Facilities:

The work is to be done by the State's contractor with contract items. The stakeholder has the option to monitor and inspect their facilities and approve any adjustments made to those facilities for the duration the State's contractor is performing work on the facilities specified below.

- Adjustment of manhole cover elevations. (During construction by the State's contractor)

The State's Engineer-In-Charge, in coordination with the State's contractor, shall notify the stakeholder in writing **2 weeks before** commencing work on the stakeholder's facilities at each location and for each occurrence of work.

Additional Notes

1. The Contractor is governed by and must adhere to the provisions of 16 NYCRR Part 753 (Protection of Underground Facilities).
2. The Standard Specifications shall apply to all utility facility adjustments unless otherwise detailed in the contract documents.
3. The State's contractor shall refer to the "User's Guide to Safe Excavation Practices in New York State" found at <https://udigny.org/resources/>
4. The State's contractor shall verify the stakeholder's facility information found in the details in the contract documents and provide any additional information as requested in the contract documents. The State's contractor shall notify the State's Engineer-In-Charge (EIC) of any discrepancies that are found.
5. If there will be incursion into a stakeholder's facilities' tolerance/ influence/ clearance zone and there is not a "Coordination with the Utility Schedule" stating otherwise, notify the stakeholder's field contact at least three (3) business days prior to beginning work near the stakeholder's facilities.
6. Any unintentional contact with a stakeholder's facility must be immediately reported to the State's EIC. The stakeholder must give approval before work can continue.

END OF COORDINATION WITH THE UTILITY SCHEDULE

Revised 2024 December 20 – EJSC, AJP