

Agenda

Jamestown City Council

January 27, 2020

7:30 P.M.

Council Chambers, Second Floor
Municipal Building, Jamestown, New York

STANDING COMMITTEES

Finance, et. al., Committee

1. Resolution authorizing payment of the regular audit.
2. Resolution authorizing the Mayor to enter into a contract with the Fenton Historical Society for Historical and Educational services to be rendered to the citizens of Jamestown for the year 2020 in the amount of Sixteen Thousand Dollars (\$16,000.00) subject to approval of the Corporation Counsel as to form.
3. Resolution authorizing the Mayor to enter into an agreement with the Jamestown Urban Renewal Agency for the 2020 fiscal year subject to approval of the Corporation Counsel as to form.
4. Resolution authorizing the Mayor to enter into a contract with the James Prendergast Library Association for library services to be rendered to the citizens of Jamestown for the year 2020 in the amount of One Hundred Thousand Dollars (\$100,000.00) subject to approval of the Corporation Counsel as to form.
5. Resolution authorizing the Mayor to approve the Water Service Agreement between the Town of North Harmony, Town of Busti, and Jamestown Board of Public Utilities, pursuant to Section C-54 of the Jamestown City Charter, subject to the approval of the Corporation Counsel as to form.
6. Resolution authorizing the payment of One Hundred Sixty-Five Thousand Dollars (\$165,000.00) principal and Forty-Eight Thousand, Eight Hundred Eighty-One Dollars and Twenty-Seven Cents (\$48,881.27) for six months interest on Public Improvement Bonds Series A, issue of April 22, 2015.
7. Resolution authorizing the payment of Three Hundred Forty-Five Thousand Dollars (\$345,000.00) principal and Sixty-Nine Thousand, Four Hundred Eighty-Seven Dollars and Fifty Cents (\$69,487.50) for six months interest on Public Improvement Bonds, issue of November 19, 2013, defeasance of 2004 Chautauqua County IDA bonds.

Finance, et. al., Committee (cont)

8. Resolution authorizing Firefighters Emily Webster and Andrew Caruso to attend the Fire Investigation Course at the New York State Academy of Fire Science to be held in Montour Falls, New York on February 24- March 6, 2020, with expenses paid pursuant to Section 77-b of the General Municipal Law.
9. Resolution authorizing Firefighter Jeffery Hatch to attend the Fire Service Instructor Course at the New York State Academy of Fire Science to be held in Montour Falls, New York on February 3-7, 2020, with expenses paid pursuant to Section 77-b of the General Municipal Law.
10. Resolution authorizing the Mayor to enter into a grant agreement with the Chautauqua Region Community Foundation in an amount not to exceed Ten Thousand Dollars (\$10,000.00) for the purpose of funding a portion of the New Skatepark SK8 JTNY subject to the approval of the Corporation Counsel as to form.
11. Resolution authorizing the Mayor to enter into a lease agreement with the Center for Resolution and Justice, 200 East Third Street, Jamestown, New York 14701 for 432 square feet of lease space on the Third Floor of the Municipal Building in the amount of Three Hundred Twenty-Five Dollars per month (\$325.00) for the time period January 1, 2020 to December 31, 2020 subject to the approval of the Corporation Counsel as to form.
12. Resolution authorizing the Mayor to enter into a contractual agreement with John S. Trussalo, CPA, P.C., 315 North Main Street, Jamestown, New York 14701, to perform the Single Audit for the City of Jamestown, including the Department of Development for the year ending December 31, 2019 in the amount of Twenty-Five Thousand, Six Hundred Dollars (\$25,600.00) (including Four Thousand, Six Hundred Dollars \$4,600 for the Department of Development each year), plus expenses for report reproduction, perform the Deferred Compensation Plan for the Employees of the City of Jamestown audit for the years ending December 31, 2019, in the amount not to exceed Six Thousand, Five Hundred Dollars (\$6,500.00), plus expenses for report reproduction, and perform the New York State Department of Transportation Single Audit for the year ending December 31, 2019 in the amount of One Thousand, Seven Hundred, Sixty Dollars (\$1,760.00), plus expenses for report reproduction, subject to the approval of the Corporation Counsel as to form.
13. Resolution suspending the hiring freeze and authorizing the filling of the One (1) Deputy Comptroller in the City Comptroller's Office (1 retirement funded in the 2020 General Fund Budget).

Public Works, et. al., Committee

14. Resolution authorizing the Mayor and Jeffrey Lehman, P.E., Director of Public Works and Acting Director of Parks, Recreation & Conservation to enter into an agreement with Cintas, 1317 West 12th Street, Erie, PA 16501, for uniforms purchased via US Communities cooperative bidding contract # R-BB-19002, for the time period February 1, 2020 to January 31, 2023, in an amount not to exceed Four Thousand, Eight Hundred Twenty-Three Dollars and Fifty-Two Cents (\$4,823.52) per year, subject to the approval of the Corporation Counsel as to form.
15. Resolution authorizing the Mayor to execute an agreement with CPL, 1279 North Main Street, Jamestown, NY 14701 to provide services for the proposed new Fleet Maintenance Facility for a fixed fee not to exceed One Hundred, Fifty Thousand Dollars (\$150,000.00) subject to approval of the Corporation Counsel as to form.

Public Safety, et. al., Committee

16. Resolution re-appointing Nancy Amoroso to the office of Commissioner of Deeds for a period of two years.

New Business

17. Resolution supporting the proposal that New York State change the base state aid formula allocation for each community colleges to be permanently set at 100% of the previous year or \$100 increase per FTE, whichever is more.
18. Resolution authorizing the Mayor and Samuel Salemme, Deputy Fire Chief to purchase from Stryker, P. O. Box 93308, Chicago, IL 60673-3308 one (1) MTS Power Load System with a Power-Pro XT Stretcher in the amount of Forty-Five Thousand, Four Hundred Sixty-Three Dollars and Ninety-Five Cents (\$45,463.95) subject to the approval of the Corporation Counsel as to form.
- Note: The funding for this purchase will come from the 2019 Smart City Capital Bond.
19. Resolution adopting the Environmental Assessment Form for the Annexation.
20. Resolution suspending the hiring freeze and authorizing the filling of the One (1) Full-time Associate Corporation Counsel (1 full-time position funded through the Zombie 2.0 Grant).
21. Resolution Urging the New York State Legislature to immediately revise the newly enacted criminal justice reform laws.

COUNCIL MEMBERS: PLEASE CONTACT THE COUNCIL PRESIDENT OR CITY CLERK IF UNABLE TO ATTEND THE WORK SESSION AT 7:00, OR THE REGULAR MEETING AT 7:30 P.M.

BY COUNCILMAN

RESOLVED, That the Mayor be and he hereby is authorized to enter into a contract with the Fenton Historical Society for Historical and Educational services to be rendered to the citizens of Jamestown for the year 2020 in the amount of Sixteen thousand dollars (\$16,000.00) subject to the approval of the Corporation Counsel as to form.

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BY COUNCIL:

WHEREAS, the Jamestown Urban Renewal Agency (JURA) is an independent government agency established by the laws of the State of New York in 1966; and

WHEREAS, the scope of JURA activity has grown to include residential housing code enforcement and rehabilitation, commercial building code enforcement, neighborhood preservation and improvement, zoning activities, community planning, grant administration, and economic development; and

WHEREAS, the City of Jamestown maintains the desire and responsibility to protect the safety and improve the quality of life for all of its residents through the proper enforcement of life and safety codes, the upgrading of the environment within its neighborhoods, rebuilding infrastructure, and stimulating the retention and creation of jobs in the industrial, service, and commercial sectors; and

WHEREAS, JURA has demonstrated since its inception that it is adequately equipped and fully capable to develop, obtain funding for, and implement a variety of programs and activities to address the city's public safety and community/economic development objectives; and

WHEREAS, the City has determined that it is efficient, cost effective, and desirable to contract with JURA for delivery of these essential services and activities; now therefore be it

RESOLVED, that the Mayor be and is hereby authorized to enter into an agreement with the Jamestown Urban Renewal Agency for the 2020 fiscal year to provide the following city services and pursue the following activities:

- Enforcement of Chapter 215 of the Jamestown City Code - the Property Rehabilitation and Conservation Code.
- Enforcement of the New York State Uniform Fire Prevention and Building Code.
- Enforcement of Chapter 300 of the Jamestown City Code - the Zoning Code for the City of Jamestown.
- Operation of the city's various housing rehabilitation and neighborhood improvement initiatives.
- Application for and administration of housing and economic development grant programs including, but not limited to; HUD's CDBG and HOME Program entitlements; federal stimulus

funding; the NYS Brownfield Opportunity Areas Program Grant; NYS Main Street Grant; NYS Quality Communities Grant; and RESTORE NY Grant.

- Administration of the Federal Renewal Community Tax Incentive Program.
- Administration of all long and short-term planning activities.
- Marketing of the community and response to development-related inquiries.
- Packaging of sites for city-sponsored projects.

and be it further

RESOLVED, that in consideration of said services and activities, the City will allocate to JURA during FY 2020 a sum that shall not be less than \$415,000 and provide an in-kind contribution of office space, utilities, and parking for JURA vehicles at the Jamestown Municipal Building, and authorize JURA to retain all administrative revenues from housing and community/economic development grants obtained and administered by JURA on behalf of the city subject to the approval of the Corporation Counsel as to form.

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BY COUNCIL

RESOLVED, That the Mayor be and he hereby is authorized to enter into a contract with the James Prendergast Library Association for library services to be rendered to the citizens of Jamestown for the year 2020 in the amount of One Hundred Thousand Dollars (\$100,000.00) subject to the approval of the Corporation Counsel as to form.

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BY COUNCIL:

RESOLVED, That the Mayor be, and hereby is authorized to approve the Water Service Agreement between the Town of North Harmony, Town of Busti, and Jamestown Board of Public Utilities, pursuant to Section C-54 of the Jamestown City Charter, subject to the approval of the Corporation Counsel as to form.

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BY COUNCIL:

RESOLVED, That warrants be drawn and paid to the respective owners and paying agents the sum of Two Hundred Thirteen Thousand, Eight Hundred Eighty-One Dollars and Twenty-Seven cents (\$213,881.27) in accordance with the bond and note requirements as follows:

Public Improvement Bonds Series A, issue of April 22, 2015, One Hundred Sixty-Five Thousand Dollars (\$165,000.00) principal and Forty-Eight Thousand, Eight Hundred Eighty-One Dollars and Twenty-Seven Cents (\$48,881.27) for six months interest at 4.00% per annum on Three Million, Three Hundred Thirty Thousand Dollars (\$3,330,000.00).

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BY COUNCILMAN

RESOLVED, That warrants be drawn and paid to the respective owners and paying agents the sum of Four Hundred, Fourteen Thousand, Four Hundred Eighty-Seven Dollars and Fifty Cents (\$414,487.50) in accordance with the bond and note requirements as follows:

Public Improvement Bonds, issue of November 19, 2013, defeasance of 2004 Chautauqua County IDA bonds, Three Hundred Forty-Five Thousand dollars (\$345,000.00) principal and Sixty-Nine Thousand, Four Hundred Eighty Seven Dollars and Fifty Cents (\$69,487.50) for six months interest at 2.25% per annum on Four Million Two Hundred Thousand Dollars (\$4,200,000.00).

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01/27/2020 Resolution #08

BY COUNCILMAN

RESOLVED, That Firefighters Emily Webster and Andrew Caruso be and they hereby are authorized to attend the Fire Investigation Course at the New York State Academy of Fire Science to be held in Montour Falls, New York on February 24- March 6, 2020, with expenses paid pursuant to Section 77-b of the General Municipal Law.

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01/27/2020 Resolution #09

BY COUNCILMAN

RESOLVED, That Firefighter Jeffery Hatch be and he hereby is authorized to attend the Fire Service Instructor Course at the New York State Academy of Fire Science to be held in Montour Falls, New York on February 3-7, 2020, with expenses paid pursuant to Section 77-b of the General Municipal Law.

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BY COUNCIL

RESOLVED, That the Mayor of the City of Jamestown be and he hereby is authorized to enter into a grant agreement with the Chautauqua Region Community Foundation in an amount not to exceed \$10,000.00 for the purpose of funding a portion of the New Skatepark SK8 JTNY subject to the approval of the Corporation Counsel as to form.

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BY COUNCIL:

RESOLVED, That the Mayor of the City of Jamestown be, and he hereby is, authorized to enter into a lease agreement with the Center for Resolution and Justice, 200 East Third Street, Jamestown, New York 14701 for 432 square feet of lease space on the Third Floor of the Municipal Building in the amount of three hundred twenty-five dollars per month (\$325.00) for the time period January 1, 2020 to December 31, 2020 subject to the approval of the Corporation Counsel as to form.

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BY COUNCIL:

RESOLVED, That the Mayor be, and he hereby is, authorized to enter into a contractual agreement with John S. Trussalo, CPA, P.C., 315 North Main Street, Jamestown, New York 14701, to perform the Single Audit for the City of Jamestown, including the Department of Development for the year ending December 31, 2019 in the amount of Twenty-Five Thousand, Six Hundred Dollars (\$25,600.00) (including Four Thousand, Six Hundred Dollars (\$4,600) for the Department of Development each year), plus expenses for report reproduction, perform the Deferred Compensation Plan for the Employees of the City of Jamestown audit for the years ending December 31, 2019, in the amount not to exceed Six Thousand, Five Hundred Dollars (\$6,500.00), plus expenses for report reproduction, and perform the New York State Department of Transportation Single Audit for the year ending December 31, 2019 in the amount of One Thousand, Seven Hundred Sixty Dollars (\$1,760.00), plus expenses for report reproduction, subject to the approval of the Corporation Counsel as to form.

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

RESOLVED, that effective immediately the Jamestown City Council hereby suspends the hiring freeze instituted by resolution number 200201C03 and resolution number 200611B17 authorizing the filling of the following position due to the essential nature of the position.

- One (1) Full-time Deputy Comptroller to be located in the City Comptroller's Department (1 full-time position funded in the 2020 General Fund Budget).

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BY COUNCIL:

RESOLVED that the Mayor and Jeffrey Lehman, P.E., Director of Public Works and Acting Director of Parks, Recreation & Conservation, be and they hereby are authorized and directed to enter into an agreement for uniforms with Cintas, 1317 West 12th Street, Erie, PA 16501, purchased via US Communities cooperative bidding contract # R-BB-19002, for a term of 36 months, in an amount not to exceed Four Thousand, Eight Hundred Twenty-Three Dollars and Fifty-Two Cents (\$4,823.52) per year, subject to the approval of the Corporation Counsel as to form.

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BY

RESOLVED, that the Mayor be and he hereby is authorized to execute an agreement with CPL, 1279 North Main Street, Jamestown, NY 14701 to provide Phase I professional architectural and engineering services for the proposed new Fleet Maintenance Facility for a fixed fee not to exceed One Hundred Fifty Thousand Dollars (\$150,000) subject to the approval of Corporation Counsel as to form.

01/27/2020 Resolution #16

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

Nancy I. Amoroso

February 14, 2020 to February 13, 2022

BY COUNCIL:

WHEREAS, community colleges serve as economic engines that provide a trained workforce and educated citizenry for the State of New York and the local communities in which they're located; and

WHEREAS, community colleges are anchor institutions that help keep their communities strong and vibrant by service as major employers, community hubs, and social centers; and

WHEREAS, community colleges are the primary catalyst to the middle class by serving more low-income students than any other sector of high education; and

WHEREAS, community colleges serve nearly half of all undergraduates enrolled in the SUNY System along with nearly as many life-long learners through non-credit classes; and

WHEREAS, a level of predictability in State funding is essential to provide community colleges the ability to plan and budget accordingly and recognizes each college's annual fixed costs; and

WHEREAS, the 98% of the previous year or \$100 increase per FTE, whichever is greater, language added to the community college funding model for fiscal year 2019 was a step in the right direction and appreciated; and

WHEREAS, the funding floor should be set in State statute at 100% of the previous year or \$100 increase per FTE, whichever is greater; now therefore be it

RESOLVED, that the Jamestown City Council fully supports the proposal that New York State change the base state aid formula allocation for each community colleges to be permanently set at 100% of the previous year or \$100 increase per FTE, whichever is more; and be it further

RESOLVED, that a certified copy of this resolution be sent to Governor Andrew Cuomo, State Senate Majority Leader Andrea Stewart-Cousins, State Assembly Speaker Carl Heastie, State Senator George Borrello, Assemblyman Andrew Goodell, and the Jamestown Community College Board of Trustees.

BY COUNCIL:

RESOLVED that the Mayor and Samuel Salemme, Deputy Fire Chief, be, and they hereby are authorized to enter into agreement with Stryker, P.O. Box 93308, Chicago, IL 60673-3308 for the purchase of an MTS Power Load System with a Power-Pro XT Stretcher in the amount of Forty-Five Thousand, Four Hundred Sixty-Three dollars and Ninety-Five (\$45,463.95), purchased through Savikk Buying Group, under NYS GML 103 (16) – “piggybacking” law , subject to approval of the Corporation Counsel as to form

Note: The funding for this purchase will come from the 2019 Smart City Capital Bond.

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BY COUNCIL:

WHEREAS, the City of Jamestown (the “City”) is authorized and empowered by Article 17 of the New York State General Municipal Law (“GML”) to alter its boundaries by annexing contiguous land from an adjoining municipality upon the consent of the people, if any, who reside on the land proposed to be annexed and the consent of the governing board of each affected municipality, following a determination that the annexation is in the overall public interest; and

WHEREAS, pursuant to GML Article 17, a Petition for Annexation (the “Petition”) to the City of approximately four acres of uninhabited land (the “Property”) in the Town of Ellicott (the “Town”) and the Village of Falconer (the “Village”) was presented to the City Council of the City of Jamestown (the “City Council”) on or about November 25, 2019 (the “Annexation”); and

WHEREAS, the Property is more particularly described in Schedule A to the Petition and consists of four parcels owned by the City through its Board of Public Utilities (“BPU”), including a portion of land under Tiffany Avenue, and a portion of another parcel owned by National Grid and leased by the BPU and on which the BPU owns all the improvements; and

WHEREAS, the BPU maintains a substation on the Property as part of its electrical operations, which is commonly referred to as the Dow Street Substation (the “Substation”), and whose service area encompasses the entire City, the Village, the Village of Celoron, and the majority of the Town; and

WHEREAS, no one resides on the Property;

WHEREAS, the Petition seeks to annex the Property for the purpose of bringing the City-owned and City-operated Substation within the City’s territorial boundaries, thereby enabling the City to (a) exert greater control over and better protect the Substation by providing it with the full contingent of the City’s municipal services; (b) remove the City-owned property from the Town, Village, Chautauqua County and Falconer Central School District tax rolls and thereby reduce the expenses incurred to pay tax liabilities; (c) maintain the stability of the City’s utility expenses and rates and potentially reducing the need for drastic increases in the utility rates over the next five to ten years to cover increasing tax expenses; and (d) incentivize business and industry to return to and develop in the City and surrounding area by stabilizing and controlling rates for utilities; and

WHEREAS, the City Council considered the Petition at a meeting held on November 25, 2019, accepted the Petition, and authorized its execution by the Mayor by Resolution No. 30; and

WHEREAS, Mayor Samuel Teresi signed the Petition on November 25, 2019 on behalf of the City, as the owner through the BPU, of more than fifty percent of the total assessed valuation of the Property as shown on the last preceding Town Assessment Roll, which was filed in the Town Clerk’s office on July 1, 2019; and

WHEREAS, at the November 25, 2019 meeting, the City Council passed Resolution No. 32, by which it resolved to exercise its powers under GML Article 17 to entertain the Petition and consider the proposed annexation of the Property to the City, and to hold a joint public hearing on the Petition, together with the Town of Ellicott Town Council (the “Town Council”) and the Board of Trustees of the Village of Falconer (the “Village Board”), in accordance with the procedures set forth in GML Article 17; and

WHEREAS, the City Council desires to comply with the requirements of the State Environmental Quality Review Act (“SEQRA”) and its implementing regulations set forth at 6 NYCRR Part 617 (the “Regulations”); and

WHEREAS, at the November 25, 2019 meeting, the City Council also passed Resolution No. 31 preliminarily classifying the Annexation as an Unlisted Action under SEQRA and declaring the City Council’s intent to act as lead agency for the purpose of undertaking a coordinated review of the Annexation in accordance with SEQRA; and

WHEREAS, together with Part 1 of the Short Environmental Assessment Form (“EAF”), the City sent notices dated December 13, 2019 to the Town Council and the Village Board, the only other involved agencies for this action, indicating the City Council’s desire to act as lead agency for the SEQRA review of the Annexation and requesting their consent to the same; and

WHEREAS, the Town Council and the Village Board did not object to the City Council acting as the SEQRA Lead Agency;

WHEREAS, the City Council has considered the comments provided by the Town Council, the Village Board, the Town-Village Counsel, and others during the public hearing, and has thoroughly reviewed all information provided in the EAF and the Petition; and

WHEREAS, pursuant to the Regulations, the City Council has considered the significance of the potential environmental impacts of the Annexation by (a) using the criteria specified in Section 617.7(c) of the Regulations, and (b) examining the EAF for the Annexation, including the information in Part 1 of the EAF and completing the analyses for Parts 2 and 3 of the EAF, together with examining other available information relevant to the Annexation, to identify the relevant areas of environmental concern, and (c) thoroughly analyzing the identified areas of relevant environmental concern; and

NOW, THEREFORE, BE IT RESOLVED THAT the City Council confirms and adopts the following conclusions with respect to SEQRA:

1. The Annexation is subject to SEQRA.
2. The Annexation is an Unlisted Action under SEQRA.
3. The City Council hereby establishes itself as lead agency for purposes of the coordinated SEQRA review of the Project.
4. The City Council has compared the impacts that may reasonably be expected to result from the Annexation to the criteria for determining significance identified in Section 617.7(c)(1) of the Regulations and evaluated the issues of causation and significance in light of the standards under the same Section.
5. The City Council has not identified any significant adverse environmental impacts associated with the Annexation and none are known to the City Council. Based upon its review, and for the reasons set forth more fully in the EAF and its supporting written elaboration, the City Council determines that the Annexation will not have any significant adverse impacts on the environment and makes the following conclusions:

- (A) The Annexation will not result in (a) substantial adverse change in existing air quality; ground or surface water quality or quantity, traffic or noise levels; a substantial increase in solid waste production; or a substantial increase in potential for erosion, flooding, leaching or drainage problems; (b) the removal or destruction of large quantities of vegetation or fauna; substantial interference with the movement of a resident or migratory fish or wildlife species; impacts on a significant habitat area; substantial adverse impacts on threatened or endangered species of animal or plant, or

- the habitat of such species; or (c) other significant adverse impacts to natural resources;
- (B) The Annexation will not affect a critical environmental area as designated pursuant to 6 NYCRR § 617.14(g);
 - (C) Since no development is proposed for the Property and the Property will continue to be used as it has always been used for over 60 years, as an electrical substation, the Annexation will not conflict with the community's current plans or goals as officially approved or adopted;
 - (D) The Annexation will not result in the impairment of the character or quality of important historical, archeological, architectural, or aesthetic resources;
 - (E) The Annexation will not result in the impairment of the character or quality of existing community or neighborhood character because the area is presently characterized by commercial and industrial uses and there are no plans to change either the zoning classification or existing use of the Property;
 - (F) The Annexation will not result in a major change in the use of either the quantity or type of energy, but will allow the BPU to reduce costs associated with the provision of electricity to its customers in the City, Town, Village, and other parts of the community;
 - (G) The Annexation will not result in the creation of a hazard to human health, but rather would be more protective of the environment and human health by allowing the City to avoid potential jurisdictional or first-responder questions, thereby ensuring that the City will be better able to manage, preserve and protect the City's municipal Substation and electrical system, and any neighboring properties in the event of an emergency;
 - (H) The Annexation will not result in a substantial change in the use, or intensity of use, of land including architectural, open space or recreational resources, or in its capacity to support existing uses;
 - (I) The Annexation will not result in encouraging or attracting a large number of people to a place or places for more than a few days, compared to the number of people who would come to such place absent the action;
 - (J) The Annexation will not result in the creation of a material demand for other actions that would result in one or more of the above consequences;
 - (K) Any secondary growth or development spawned from the Annexation will not result in the impairment of the existing community or neighborhood character because any such growth would replace numerous businesses and industries that have left the City in recent years and because the City has appropriate zoning laws and municipal services in place to adequately deal with such growth;
 - (L) The Annexation will not result in changes in two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a substantial adverse impact on the environment; and

(M) The Annexation will not result in two or more related actions undertaken, funded or approved by an agency, none of which has or would have a significant impact on the environment, but when considered cumulatively would meet one or more of the criteria in 6 NYCRR § 617.7(c).

6. The information available concerning the Annexation was sufficient for the City Council to make its determination.

7. The City Council hereby approves and adopts the EAF for the Annexation (Parts 1, 2, and 3) with its supporting written elaboration, issues a Negative Declaration, and will not require the preparation of an environmental impact statement for the Annexation.

8. The City Council hereby directs the Council President, Anthony Dolce, to execute the EAF.

9. The City Council hereby authorizes the City Clerk and/or Corporation Counsel to make any filing(s) and publications of notice of the Negative Declaration as required by law and to take such other steps as may be necessary to carry out this Resolution.

10. This Resolution shall take effect immediately.

The adoption of the foregoing was moved by Councilmember _____, seconded by Councilmember _____, and duly put to vote, which resulted as follows:

	Yea	Nay	Abstain	Absent
Council President Anthony Dolce	[]	[]	[]	[]
Councilmember Brent Sheldon	[]	[]	[]	[]
Councilmember Vickye James	[]	[]	[]	[]
Councilmember Marie Carrubba	[]	[]	[]	[]
Councilmember Grant Olson	[]	[]	[]	[]
Councilmember Thomas Nelson	[]	[]	[]	[]
Councilmember Kimberly Ecklund	[]	[]	[]	[]
Councilmember Tamu Graham-Reinhardt	[]	[]	[]	[]
Councilmember Jeffery Russell	[]	[]	[]	[]

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Project: _____
 Date: _____

**Short Environmental Assessment Form
 Part 2 - Impact Assessment**

Part 2 is to be completed by the Lead Agency.

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:		
a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Project: _____
 Date: _____

Short Environmental Assessment Form Part 3 Determination of Significance

For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

See Attached Reasons Supporting Determination of Significance

<input type="checkbox"/> Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.	
<input checked="" type="checkbox"/> Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.	
Jamestown City Council <hr/> Name of Lead Agency	January __, 2020 <hr/> Date
Anthony Dolce <hr/> Print or Type Name of Responsible Officer in Lead Agency	Council President <hr/> Title of Responsible Officer
<hr/> Signature of Responsible Officer in Lead Agency	<hr/> Signature of Preparer (if different from Responsible Officer)

PRINT FORM

Reasons Supporting Determination of Significance
Attachment to Environmental Assessment Form Part 3

Summary of Proposed Action

The City of Jamestown (the “City”) is proposing to annex approximately four acres of land (the “Property”) which are presently located within the Town of Ellicott (the “Town”) and the Village of Falconer (the “Village”) (referred to here as the “Project”). The Property consists of four parcels owned by the City through its Board of Public Utilities (“BPU”) and a portion of another parcel that the BPU leases from National Grid, on which the City owns the improvements. The deeds for the Property establish that the Property adjoins the City, situated contiguous to the City’s boundary line lying at the centerline of Tiffany Avenue.

As part of its electrical utility operations, the BPU operates a substation on the Property, which is commonly referred to as the Dow Street Substation (the “Substation”). The Substation’s service area encompasses the entire City, the Village, the Village of Celoron, and the majority of the Town of Ellicott.

No one resides on the Property. In total, the City through the BPU owns over 90% of the assessed value of the Property, well above the 50% threshold required for a petition for annexation, as detailed in the Certification by the Town of Ellicott assessor Kevin Okerlund that was filed with the Petition for Annexation. The purpose of the Petition for Annexation is to bring this City-owned, City-leased, and City-operated Property within the City limits.

SEQRA Coordination

In accordance with SEQRA’s provisions, the City Council engaged in a coordinated review of the Project. At its November 25, 2019 meeting, the City Council preliminarily classified the Project as an Unlisted Action under SEQRA and declared its intent to act as lead agency for the coordinated review of the Project. The City Council caused notices to be sent to the Town Council for the Town of Ellicott (the “Town Council”) and the Board of Trustees for the Village of Falconer (the “Village Board”), the only other involved agencies for the Project, seeking their concurrence in the City Council serving as lead agency and requesting comments on the Project’s potential environmental impacts. Neither the Town Council nor the Village Board objected to the City Council acting as the Lead Agency during the time period provided by the SEQRA Regulations.

In its capacity as lead agency, the City Council has considered the criteria set forth in 6 NYCRR 617.7(c), the potential environmental impacts associated with the Project and the comments made concerning the proposed annexation by the Town, the Village, their legal counsel, and other individuals during the course of the annexation proceeding.

Analysis of Potential Impacts

The City Council concludes that the Project will not result in any significant adverse environmental impacts. The Project does not propose any physical changes to the Property or other impacts to land, natural resources, or related facets of the environment as identified in Section 617.7(c). Instead, the Property is already developed with an existing electrical Substation and the Project simply proposes to redraw the existing municipal boundary line for the City to encompass the Property, causing the municipal boundaries for the Town and Village to thereafter exclude the Property.

The only impacts associated with this change in the legal jurisdiction over the Property relate to a loss of existing tax revenues paid to the Town, the Village, and the Falconer Central School District. The loss of tax revenue is a purely economic impact that is not a cognizable environmental impact under SEQRA. Socioeconomic impacts such as changes in population patterns and community character may be considered, but the Project will not result in any significant adverse socioeconomic impacts. See *Chinese Staff & Workers Ass'n v. N.Y.*, 68 N.Y.2d 359, 366 (1986); *Ridgewood-Bushwick Senior Citizens Council v. Giuliani*, 227 A.D.2d 261, 262 (1st Dept. 1996). Specifically, since the Property is uninhabited, no one would be required to change school districts and population patterns would remain the same. The loss of tax revenue will not adversely affect community services because the revenue loss will be modest and would be covered by a slightly increased tax rate assessed on the remaining property owners in the taxing jurisdictions. For example, per \$1,000 of assessed valuation, the tax burden would increase for residents as follows:

- In the Town: \$0.42
- In the Village: \$0.88
- In the School District: \$0.35 - \$0.44 (depending on the municipality within the School District)

The proposed annexation will not change the existing character of the neighborhood around the Property. This area is presently characterized by commercial and industrial uses and there are no plans to change the zoning classification of the Property. The long-time operation of the Substation on the Property is consistent with surrounding uses and there is no plan to change the use of the Property in the future.

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

RESOLVED, that effective immediately the Jamestown City Council hereby suspends the hiring freeze instituted by resolution number 200201C03 and resolution number 200611B17 authorizing the filling of the following position due to the essential nature of the position.

- One (1) Full-time Associate Corporation Counsel to be located in the City Corporation Counsel's Office (1 full-time position funded through the Zombie 2.0 Grant).

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WHEREAS, In April 2019 the New York State Legislature passed sweeping criminal justice legislation changing the use of bail and rules regarding the sharing of evidence in criminal proceedings, and

WHEREAS, The criminal justice reform changes went into effect January 1, 2020, and

WHEREAS, Prior to the changes taking effect, many district attorneys, law enforcement officials, and residents of New York State expressed serious concern regarding the new laws, including the elimination of the ability for a judge to set bail in many instances, impacted discovery timelines in criminal proceedings, and law enforcement's comprised ability to safely engages witnesses, and

WHEREAS, Although the laws were passed with the intention of reforming injustices within the criminal justice system, which the City of Jamestown is fully in favor of, the Jamestown City Council firmly believes that the unintended consequences pose serious risk to the public safety of our communities, Now, therefore be it

RESOLVED That the City of Jamestown City Council, Urges the New York State Legislature to immediately revise the newly enacted criminal justice reform laws to address the concerns of New York State Attorney General Letitia James, district attorneys, and law enforcement officials throughout the state, while maintaining the intent of the laws which were to alleviate disparities within our system, and be it further

RESOLVED, that the City Clerk forward a copy of this resolution to New York State Senate Majority Leader Andrea Stewart-Cousins, New York State Assembly Speaker Carl Heastie, New York State Senator George Borrello and New York State Assemblyman Andrew Goodell.

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