

# Agenda

# Jamestown City Council

Monday, July 27, 2020

Work Session 7:15 P.M., voting session, 7:30 P.M.

Meeting being held via Zoom

\*Due the NYS Public Health State of Emergency, the meeting will be held via Zoom and will be streamed live at [www.jamestownny.gov/live](http://www.jamestownny.gov/live) All public comments should be submitted in writing by 5PM the day before the meeting via USPS mail or email to [clerk@jamestownny.gov](mailto:clerk@jamestownny.gov).

## STANDING COMMITTEES

### Finance, et. al., Committee

1. Resolution authorizing payment of the regular audit.
2. Resolution authorizing the payment of Forty-Six Thousand Four Hundred Six Dollars and Twenty-Seven Cents (\$46,406.27) in interest on Public Improvement Bonds, Series A, issue of April 22, 2015.
3. Resolution authorizing the payment of Sixty-Five Thousand Six Hundred Six Dollars and Twenty-Five Cents (\$65,606.25) in interest on Public Improvement Bonds, issue of November 19, 2014.
4. Resolution authorizing the Mayor and Police Chief/Director of Public Safety to participate in GIVE for the period July 1, 2020 through June 30, 2021 with funding in the amount of Seventy-Two Thousand Two Hundred Twenty-One Dollars (\$72,221.00) provided by the State of New York.
5. Resolution authorizing Fire Fighter Ryan Saunders to attend the New York State Fire Investigation Course at the New York State Academy of Fire Science to be held in Montour Falls, New York on July 20-24 and July 27-31, 2020, with expenses paid pursuant to Section 77-b of the General Municipal Law.
6. Resolution authorizing the Mayor to execute Change Order #1 to the Streetscape Reconstruction 2019 E. Third St to Pine St, Potter's Alley from E. Second St. to E. Third St., Black Bear Alley contract with R. Patti Concrete Excavating, LLC, PO Box 3081, Jamestown, NY 14702, for a total increase of Ten Thousand Four Hundred Thirty-Nine Dollars and Twenty-Five Cents (\$10,439.25) subject to the approval of Corporation Counsel as to form.

### Public Safety

7. Resolution adopting a 2020 Mobile Food Vending Pilot Program and establish a permit fee structure.

## **New Business**

8. Resolution declaring the Board of Public Utilities, Water Distribution Facilities Improvement Project, type two action under SEQRA and declaring the City Council as lead agency with respect to the environmental review of the Proposed Action at various locations throughout the city and be it further resolved that the Proposed Action will not have any adverse impact on the environment.
9. Resolution authorizing the issuance of up to Two Million Dollars (\$2,000,000.00) aggregate principal amount serial bonds of the City of Jamestown, New York, pursuant to the Local Finance Law, to finance the acquisition, construction, and reconstruction of improvements to water distribution facilities of said city acting by and through its Board of Public Utilities.
10. Resolution authorizing the Mayor to enter into an agreement with HH Jamestown, LLC, modifying the terms of the May 7, 2018 parking agreement for the period of June 1, 2020 through December 31, 2020, subject to the approval as to form by the Corporation Counsel.
11. Resolution authorizing the Mayor to enter into the Mitigation Agreement as it relates to the Gateway Lofts Project and accept funds in the amount of Three Hundred Fifty Thousand Dollars and no cents (\$350,000.00) from Southern Tier Environments for Living, Inc. (STEL), subject to the approval as to form by the Corporation Counsel.

***COUNCIL MEMBERS: PLEASE CONTACT THE COUNCIL PRESIDENT OR CITY CLERK IF UNABLE TO ATTEND THE WORK SESSION AT 7:15, OR THE REGULAR MEETING AT 7:30 P.M.***

BY COUNCIL:

RESOLVED, That warrants be drawn and paid to the respective owners and paying agent the sum of Forty Six Thousand Four Hundred Six Dollars and Twenty Seven Cents (\$46,406.27) in accordance with the bond and note requirement as follows:

**Public Improvement Bonds Series A**, issue of April 22, 2015, Forty-Six Thousand Four Hundred Six Dollars and Twenty-Seven Cents (\$46,406.27) for six months interest at 3.00% per annum on Three Million One Hundred Sixty-Five Thousand dollars (\$3,165,000.00).

Note: This is the second of two interest payments scheduled for this year. The first was paid along with principal on 2/1/2020.

BY COUNCIL:

RESOLVED, That warrants be drawn and paid to the respective owners and paying agent the sum of Sixty-Five Thousand Six Hundred Six Dollars and Twenty-Five Cents (\$65,606.25) in accordance with the bond and note requirement as follows:

**Public Improvement Bonds**, issue of November 19, 2013, defeasance of 2004 Chautauqua County IDA bonds, Sixty-Five Thousand Six Hundred Six Dollars and Twenty-Five Cents (\$65,606.25) for six months interest at 2.25% per annum on Three Million Eight Hundred Fifty-Five Thousand dollars (\$3,855,000.00).

Note: This is the second of two interest payments scheduled for this year. The first was paid along with principal on 1/15/2020.

07/27/2020 Resolution number 4

By COUNCIL:

WHEREAS, the County of Chautauqua heretofore applied for State funding under the New York State Division of Criminal Justices Services GIVE Grant Program for 2020 and,

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

RESOLVED, that the Mayor and Police Chief be and they hereby are authorized and directed to participate in GIVE for the period of July 1, 2020 through June 30, 2021 with funding in the amount of seventy two thousand two hundred twenty-one dollars (\$72,221.00) provided by the State of New York.

BY COUNCIL

RESOLVED, That Fire Fighter Ryan Saunders be and he hereby is authorized to attend the New York State Fire Investigation Course at the New York State Academy of Fire Science to be held in Montour Falls, New York on July 20-24 and July 27-31, 2020, with expenses paid pursuant to Section 77-b of the General Municipal Law.

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BY COUNCIL

RESOLVED, that the Mayor be and he hereby is authorized to execute Change Order #1 to the **Streetscape Reconstruction 2019 E. Third St to Pine St, Potter's Alley from E. Second St. to E. Third St., Black Bear Alley** contract with R. Patti Concrete Excavating, LLC, PO Box 3081, Jamestown, NY 14702 to include changes as follows:

INCREASE

977 SF Flatwork 6" @ \$13.00 SF	\$12,701.00
235 SF Patterned Alley Concrete @ \$17.95/SF	\$ 4,218.25
4 LF Black Wrought Iron Fence @ \$150.00 LF	\$ 600.00
27.5 LF Vertical Curb @ \$30.00/LF	\$ 825.00

DECREASE:

37 SY Sidewalk Pavers @ \$175.00/SY	\$(6,475.00)
25 LF HDPE Storm Sewer 12" @ \$50.00/LF	\$(1,250.00)
10 CY Additional Excavation @ \$18.00/CY	\$( 180.00)

for a total increase of Ten Thousand Four Hundred Thirty Nine Dollars and Twenty Five Cents (\$10,439.25) subject to the approval of Corporation Counsel as to form.

07/27/2020 Resolution number 7

By COUNCILPERSON:

RESOLVED, That the city adopt a 2020 Mobile Food Vending Pilot Program and establish a permit fee structure.



**Extracts From Minutes of Meeting of the City Council  
of the City of Jamestown, New York**

**(SEQRA Resolution - Board of Public Utilities - Water Distribution Facilities)**

A regular meeting of the City Council of the City of Jamestown, located in the County of Chautauqua, New York, was held via Zoom Jamestown, New York, on July 27 2020 at 7:30, P.M., at which meeting a quorum was at all times present and acting.

There were:

PRESENT:

ABSENT:

ALSO PRESENT:

Councilperson \_\_\_\_\_ moved the adoption of the following bond resolution. The motion was seconded by Councilperson \_\_\_\_\_. The City Council of the City was polled. The motion was adopted by a vote of \_\_\_\_ affirmative votes (being at least two-thirds of the voting strength of the City Council of the City) and \_\_\_\_ negative votes with \_\_\_\_ votes absent.

**CITY COUNCIL  
CITY OF JAMESTOWN**

**RESOLUTION TO DECLARE BOARD OF PUBLIC UTILITIES WATER  
DISTRIBUTION FACILITIES IMPROVEMENT PROJECT A TYPE II ACTION  
UNDER SEQRA**

Resolution No. 8 of 2020

**WHEREAS**, the Board of Public Utilities, acting through the City of Jamestown City Council, (the “City”) would like to replace water mains, hydrant assemblies, main valves, branch inter-connections, galvanized steel and lead services, constituting water distribution facilities at various location throughout the City (the “Proposed Action”); and

**WHEREAS**, the Proposed Action will serve to provide clean drinking water throughout the City; and

**WHEREAS** the City prepared a Short Environmental Assessment Form, Part 1-Project Information, dated \_\_\_\_\_, 2020 (the “EAF”).

**NOW THEREFORE BE IT RESOLVED**, that the City Council acting as “lead agency” as that term is defined in 6 NYCRR § 617.2(u), with respect to the environmental review of the Project, hereby finds that the Proposed Action is a Type II Action pursuant to § 617.5(c)(2) of the New York State Environmental Quality Review Act, and accordingly, no further environmental review is required.

**BE IT FURTHER RESOLVED** that the Proposed Action will not result in any significant adverse impact on the environment.

The City shall maintain a file, readily accessible to the public, in the office of the City Clerk, containing this resolution, and the EAF.

This resolution shall take effect immediately upon its adoption.

I, **JENNIFER WILLIAMS**, City Clerk of the City of Jamestown, located in the County of Chautauqua, State of New York (the “City”), **HEREBY CERTIFY** as follows:

1. A \_\_\_\_\_ meeting of the City Council of the City was duly held on July \_\_, 2020, and minutes of said meeting have been duly recorded in the Minute Book kept by me in accordance with law for the purpose of recording the minutes of meetings of the City Council of the City.

2. I have compared the attached extract with such minutes so recorded and such extract is a true and correct copy of such minutes and of the whole thereof insofar as such minutes relate to matters referred to in such extract.

3. Such minutes correctly state the time when such meeting was convened and the place where such meeting was held and the members of the City Council who attended such meeting.

4. Notice of such meeting was given as prescribed by law and such meeting was open to all persons who were entitled by law to attend such meeting.

**IN WITNESS WHEREOF**, I have hereunto set my hand and impressed the seal of the City Council, this \_\_\_ day of July 2020.

(SEAL)

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**JENNIFER WILLIAMS**  
City Clerk  
City of Jamestown, New York

**Extracts From Minutes of Meeting of the City Council  
of the City of Jamestown, New York**

**(\$2,000,000 – Board of Public Utilities - Water Distribution Facilities)**

A regular meeting of the City Council of the City of Jamestown, located in the County of Chautauqua, New York, was held via Zoom Jamestown, New York, on July 27 2020 at 7:30, P.M., at which meeting a quorum was at all times present and acting.

There were:

PRESENT:

ABSENT:

ALSO PRESENT:

Councilperson \_\_\_\_\_ moved the adoption of the following bond resolution. The motion was seconded by Councilperson \_\_\_\_\_. The City Council of the City was polled. The motion was adopted by a vote of \_\_\_\_ affirmative votes (being at least two-thirds of the voting strength of the City Council of the City) and \_\_\_\_ negative votes with \_\_\_\_ votes absent.

BOND RESOLUTION, DATED JULY 27, 2020, AUTHORIZING THE ISSUANCE OF UP TO \$2,000,000 AGGREGATE PRINCIPAL AMOUNT SERIAL BONDS OF THE CITY OF JAMESTOWN, NEW YORK, PURSUANT TO THE LOCAL FINANCE LAW, TO FINANCE THE ACQUISITION, CONSTRUCTION AND RECONSTRUCTION OF IMPROVEMENTS TO WATER DISTRIBUTION FACILITIES OF SAID CITY ACTING BY AND THROUGH ITS BOARD OF PUBLIC UTILITIES.

WHEREAS, the City Council of the City of Jamestown (the “City”), located in the County of Chautauqua, State of New York, has taken appropriate action to determine to finance through borrowing the costs of water main, hydrant assemblies, main valve, branch inter-connections, galvanized steel and lead services replacement, constituting the acquisition, construction and reconstruction of improvements to water distribution facilities of the City, acting by or through the City’s Board of Public Utilities (the “BPU”) for which the City is authorized by statute to expend public funds;

WHEREAS, the City Council of the City hereby determines that it is in the public interest of the City to finance such costs of water main, hydrant assemblies, main valve, branch inter-connections, galvanized steel and lead services replacement, constituting the acquisition, construction and reconstruction of improvements to water distribution facilities, acting by or through the BPU, at a total estimated cost not to exceed \$2,000,000, in accordance with the Local Finance Law (the “Project”); and

WHEREAS, the Project is eligible for grant assistance from the Environmental Facilities Corporation (“EFC”) in an amount equal to 60% of eligible estimated costs of the Project from funds appropriated through the New York State Water Infrastructure Improvement Act of 2017 (the “Act”); and

WHEREAS, the City has submitted an application to EFC for \$3,000,000 in the form of a grant through the Act to pay for a portion of the estimated costs of the Project and has been awarded said grant (the “Grant”) on December 23, 2019; and

WHEREAS, EFC has requested the City adopt this Resolution authorizing the financing of the remaining 40% of the estimated costs of the Project to be financed through EFC; and

WHEREAS, the City shall issue its obligations under the authority of this Resolution only if the City receives the Grant in an amount not less than \$3,000,000 from EFC; and

WHEREAS, the City Council has not taken any action or adopted any local law which would require the effectiveness of this bond resolution be subjected to a permissive or mandatory referendum,

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

Section 1. There is hereby authorized to be issued serial bonds of the City in the aggregate principal amount of up to \$2,000,000, pursuant to the Local Finance Law, in order to finance the costs of the specific object or purpose hereinafter described.

Section 2. The specific object or purpose to be financed by the issuance of such serial bonds is the water main, hydrant assemblies, main valve, branch inter-connections, galvanized steel and lead services replacement, constituting the acquisition, construction and reconstruction of improvements to water distribution facilities of the City, acting by and through the BPU, at various locations throughout the City (the "Project").

Section 3. The City Council has ascertained and hereby states that (a) the estimated maximum costs of the Project are not to exceed \$5,000,000; (b) no money has heretofore been authorized to be applied to the payment of the costs of the Project; (c) the City Council of the City plans to finance the costs of the Project from the (i) \$2,000,000 proceeds of the serial bonds or bond anticipation notes authorized herein and (ii) the expenditure of \$3,000,000 in grant in aid monies to be received by EFC, which grant monies are hereby appropriated thereof; and (d) the maturity of the obligations authorized herein will be in excess of five (5) years.

Section 4. It is hereby determined that the Project referred to in Section 2 hereof is a specific object or purpose described in subdivision 1 of paragraph a of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of such Project is forty (40) years. The serial bonds in the principal amount of up to \$2,000,000 authorized herein shall have a maximum maturity of forty (40) years computed from the earlier of (a) the date of such serial bonds, or (b) the date of the first bond anticipation notes issued in anticipation of the issuance of such serial bonds.

Section 5. Subject to the terms and conditions of this resolution and the Local Finance Law, and pursuant to the provisions of Sections 21.00, 30.00, 50.00, 56.00 and 60.00, inclusive, of the Local Finance Law, the power to authorize bond anticipation notes in anticipation of the issuance of the serial bonds authorized by this resolution and the renewal of such bond anticipation notes and the power to prescribe the terms, form and contents of such serial bonds and such bond anticipation notes authorized by this resolution, and the power to issue, sell and deliver such serial bonds and bond anticipation notes are hereby delegated to the City Comptroller, as the chief fiscal officer of the City. The City Comptroller is hereby authorized to execute on behalf of the City all serial bonds issued pursuant to this resolution and all bond anticipation notes issued in anticipation of the issuance of such serial bonds, and the City Clerk is hereby authorized to affix the seal of the City to all such serial bonds and all such bond anticipation notes and to attest such seal. The City Comptroller is further delegated with the power to determine whether to issue and sell such bonds to the United States Department of Agriculture and/or the New York State Environmental Facilities Corporation, whether to issue such bonds having substantially level or declining annual debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the City by the facsimile signature of the Comptroller, providing for the manual countersignature of a fiscal agent or of a designated official of the Comptroller), the date, denominations, maturities and interest payment dates, place

or places of payment, and also including the consolidation with other issues. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Comptroller shall determine consistent with the provisions of the Local Finance Law.

Section 6. The power to issue and sell notes to the New York State Environmental Facilities corporation pursuant to Section 169.00 of the Local Finance Law is hereby delegated to the Comptroller. Such notes shall be of such terms, form and contents as may be prescribed by said Comptroller consistent with the provisions of the Local Finance Law.

Section 7. The Comptroller is hereby further authorized, at his or her sole discretion, to execute a project finance agreement, and any other agreements with the New York State Department of Environmental Conservation and/or the New York State Environmental Facilities Corporation, including amendments thereto, and including any instruments (or amendments thereto) in the effectuation thereof, in order to effect the financing or refinancing of the specific object or purpose described in Section 2 hereof, or a portion thereof, by a bond, and/or note issue of said City in the event of the sale of same to the New York State Environmental Facilities Corporation. The Comptroller is further delegated the power to submit any applications, documents and/or financial and statistical data as may be required, to EFC to effectuate the financing of serial bonds and/or bond anticipation notes through the EFC's Clean Water State Revolving Fund Program.

Section 8. The faith and credit of the City is hereby and shall be irrevocably pledged for the punctual payment of the principal of and interest on all obligations authorized and issued pursuant to this resolution as the same shall become due. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said City a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 9. When this resolution takes effect, and subject to the receipt of the Grant from EFC, the City Clerk shall cause the same to be published together with a notice in substantially the form prescribed by Section 81.00 of the Local Finance Law in the Post Journal, a newspaper having a general circulation in the City. The validity of the serial bonds authorized by this resolution and of bond anticipation notes issued in anticipation of the sale of such serial bonds may be contested only if such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or the provisions of law which should be complied with as of the date of the publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication, or if such obligations are authorized in violation of the provisions of the Constitution of the State.

Section 10. Prior to the issuance of obligations authorized to be issued by this resolution, the City Council of the City shall comply with all applicable provisions prescribed in Article 8 of the Environmental Conservation Law, all regulations promulgated thereunder by the New York State Department of Environmental Conservation, and all applicable Federal laws and regulations in connection with environmental quality review relating to the Project (collectively, the "environmental

compliance proceedings”). In the event that any of the environmental compliance proceedings are not completed, or require amendment or modification subsequent to the date of adoption of this resolution, the City Council of the City will re-adopt, amend or modify this resolution prior to the issuance of obligations authorized to be issued herein upon the advice of bond counsel. It is hereby determined by the City Council of the City that the Project will not have a significant effect on the environment.

Section 11. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150 - 2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 12. The City hereby declares its intention to issue the obligations authorized herein to finance the costs of the Project. The City covenants for the benefit of the holders of the obligations authorized herein that it will not make any use of the proceeds of such obligations, any funds reasonably expected to be used to pay the principal of or interest on such obligations or any other funds of the City, and will not make any use of the facilities financed with the proceeds of such obligations which would cause the interest on such obligations to become subject to Federal income taxation under the Internal Revenue Code of 1986, as amended (the “Code”) (except for the alternative minimum tax imposed on corporations by section 55 of the Code and except for the environmental tax imposed on corporations by section 59A of the Code), or subject the City to any penalties under section 148 of the Code, and that it will not take any action or omit to take any action with respect to such obligations, the proceeds thereof or any facilities financed thereby if such action or omission would cause the interest on such obligations to become subject to Federal income taxation under the Code (except for the alternative minimum tax imposed on corporations by section 55 of the Code and except for the environmental tax imposed on corporations by section 59A of the Code) or subject the City to any penalties under section 148 of the Code. The foregoing covenants shall remain in full force and effect notwithstanding the defeasance of the bonds or any other provisions hereof until the date which is sixty (60) days after the final maturity date or earlier prior redemption date thereof. The proceeds of any obligations authorized herein may be applied to reimburse expenditures or commitments of the City made for such purpose on or after a date which is not more than one year prior to the date of adoption of this resolution by the City.

Section 13. For the benefit of the holders and beneficial owners from time to time of the bonds and bond anticipation notes authorized pursuant to this resolution (the “obligations”), the City agrees, in accordance with and as an obligated person with respect to the obligations, under Rule 15c 2-12 promulgated by the Securities Exchange Commission pursuant to the Securities Exchange Act of 1934 (the “Rule”), to provide or cause to be provided such financial information and operating data, financial statements and notices, in such manner, as may be required for purposes of the Rule. In order to describe and specify certain terms of the City’s continuing disclosure agreement for that purpose, and thereby to implement that agreement, including provisions for enforcement, amendment and termination, the City Comptroller is authorized and directed to sign and deliver, in the name and on behalf of the City, the commitment authorized by subsection 6 (c) of the Rule (the “Commitment”) to be placed on file with the City Clerk, which shall constitute the continuing disclosure agreement made by the City for the benefit of holders and beneficial owners of the obligations in accordance with the Rule, with any changes or amendments that are not inconsistent with this resolution and not



substantially adverse to the City and that are approved by the City Comptroller on behalf of the City, all of which shall be conclusively evidenced by the signing of the Commitment or amendments thereto. The agreement formed, collectively, by this paragraph and the Commitment, shall be the City's continuing disclosure agreement for purposes of the Rule, and its performance shall be subject to the availability of funds and their annual appropriation to meet costs the City would be required to incur to perform thereunder. The City Comptroller is further authorized and directed to establish procedures in order to ensure compliance by the City with its continuing disclosure agreement, including the timely provision of information and notices. Prior to making any filing in accordance with the agreement or providing notice of the occurrence of any material event, the City Comptroller shall consult with, as appropriate, the City attorney and bond counsel or other qualified independent special counsel to the City. The City Comptroller acting in the name and on behalf of the City shall be entitled to rely upon any legal advice provided by the City attorney or such bond counsel or other special counsel in determining whether a filing should be made.

Section 14. This resolution shall take effect immediately upon its adoption by the City Council of the City.

I, **JENNIFER WILLIAMS**, City Clerk of the City of Jamestown, located in the County of Chautauqua, State of New York (the “City”), **HEREBY CERTIFY** as follows:

1. A \_\_\_\_\_ meeting of the City Council of the City was duly held on July \_\_, 2020, and minutes of said meeting have been duly recorded in the Minute Book kept by me in accordance with law for the purpose of recording the minutes of meetings of the City Council of the City.

2. I have compared the attached extract with such minutes so recorded and such extract is a true and correct copy of such minutes and of the whole thereof insofar as such minutes relate to matters referred to in such extract.

3. Such minutes correctly state the time when such meeting was convened and the place where such meeting was held and the members of the City Council who attended such meeting.

4. Notice of such meeting was given as prescribed by law and such meeting was open to all persons who were entitled by law to attend such meeting.

**IN WITNESS WHEREOF**, I have hereunto set my hand and impressed the seal of the City Council, this \_\_\_ day of July 2020.

**(SEAL)**

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**JENNIFER WILLIAMS**  
City Clerk  
City of Jamestown, New York

**CITY OF JAMESTOWN  
CHAUTAUQUA COUNTY, NEW YORK**

**ESTOPPEL NOTICE**

The bond resolution published herewith was adopted by the City Council of the City of Jamestown, located in the County of Chautauqua, State of New York, on July \_\_ 2020. The validity of the obligations authorized by such bond resolution may be hereafter contested only if such obligations were authorized for an object or purpose, or class of object or purpose, for which the City of Jamestown is not authorized to expend money or if the provisions of law which should have been complied with as of the date of the publication of such bond resolution were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of publication of this notice, or if such obligations were authorized in violation of the provisions of the Constitution of the State of New York.

Dated: July \_\_, 2020

/s/ Jennifer Williams

**JENNIFER WILLIAMS**

City Clerk

City of Jamestown, New York

BY COUNCIL:

RESOLVED, That the Mayor be, and hereby is authorized to enter into an agreement with HH Jamestown, LLC, modifying the terms of the May 7, 2018 parking agreement for the period of June 1, 2020 through December 31, 2020, subject to the approval as to form by the Corporation Counsel.

BY COUNCIL

WHEREAS, on May 29, 2020, Southern Tier Environments for Living, Inc. (“STEL”) submitted to the Jamestown Planning Commission (the “Commission”) a site plan application for the proposed Gateway Lofts Project (the “Project”), an adaptive re-use of the Gateway Center at 31 Water Street and adjacent properties at 53 and 55 Water Street for a 110 unit multifamily affordable / supportive housing development; and

WHEREAS, on June 23, 2020, the Commission as SEQRA lead agency issued a Negative Declaration and approved the site plan for the Project contingent upon, among other things, the City’s execution of the attached Targeted Housing Mitigation Agreement (the Agreement”) as mitigation for the 54 Low Income Unit component of the Project; and

WHEREAS, on July 1, 2020, the Jamestown Zoning Board of Appeals approved two area variances regarding parking spaces and setbacks for the project, and

WHEREAS, a Mitigation Agreement was developed in consultation with the Commission and with input from City Council members and is designed to further the objective of the neighborhood revitalization plan entitled "City of Jamestown, New York - A livable Community" adopted by the City Council on or about December 10, 2010 to address blighted properties in conjunction with the development of new affordable housing; and

WHEREAS, the Mitigation Agreement requires STEL to, among other things, provide funding of up to \$ 350,000, to the City Department of Development, for the dedicated purpose of a program to acquire, abate and demolish 96 bedrooms in vacant and uninhabitable housing units in the City of Jamestown, on properties to be identified by the City Department of Development in collaboration with the Chautauqua County Land Bank; and

WHEREAS, the Agreement does not call for the use of City tax revenues nor commit the City to fund, approve or directly undertake any particular project; and

WHEREAS; by letter of June 8, 2020, Mayor Edward A. Sundquist observed that the Gateway Lofts Project will serve a demonstrated need for quality affordable and supportive housing within the City of Jamestown and that the Mitigation Agreement will assist the City in offsetting the addition of such housing, and confirmed the City’s support for the Gateway Lofts Project and the Agreement, now therefore be it

RESOLVED, the City Council does hereby authorize that the Mayor be, and hereby is authorized to enter into the Mitigation Agreement referenced herein and accept funds in the amount of Three Hundred Fifty Thousand Dollars and no cents (\$350,000.00) from Southern Tier Environments for Living, Inc. (STEL), subject to the approval as to form by the Corporation Counsel.