

Agenda

Jamestown City Council

Monday, August 31, 2020

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

Meeting will be held in the BPU Board Room and broadcasted via Zoom livestream

*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 All public comments should be submitted in writing by 5PM the day before the meeting via USPS mail or email to clerk@jamestownny.gov.

STANDING COMMITTEES

Finance, et. al., Committee

Resolution

1. Resolution authorizing payment of the regular audit.
2. Resolution suspending the hiring freeze and authorizing the filling of four (4) full-time police officers in the Jamestown Police Department (Retirement – funded in the 2020 General Fund Budget).
 - These positions are vacant as a result of three retirements and one resignation.
3. Resolution refunding Bond Resolution, dated August 31, 2020, authorizing the issuance of refunding serial bonds of the City of Jamestown, State of New York, pursuant to section 90.10 of the Local Finance Law of the State of New York, providing for other matters and making certain determinations in relation thereto and providing for the payment of the bonds to be refunded thereby.
4. Resolution authorizing the City Comptroller to make the following amendment to the 2020 General Fund Budget for the purpose of paying unexpected asbestos removal costs associated with the Smart Cities Heating/Cooling project as follows:

INCREASE:	Appropriations	\$24,680.00
City Hall Building Maintenance A.1620.457		

DECREASE:	Appropriations	\$24,680.00
Contingency A.1990.0400		

5. Resolution authorizing the Mayor to enter into an agreement with CGI Communications Inc., 130 East Main Street, 5th Floor, Rochester, NY 14604, to produce video content for the City at no cost for a period of three (3) years, subject to the approval as to form by the Corporation Counsel.

6. Resolution authorizing the Mayor and Police Chief/Director of Public Safety to receive grant funds from the U.S. Department of Justice, Bureau of Justice Assistance, 2020 Edward Byrne Memorial Justice Assistance Grant (JAG) Program in the amount of Sixteen Thousand, Ninety-Four Dollars (\$16,094.00) to be utilized by the Jamestown Police Department to purchase a new DVR Video System to cover three separate interview rooms. subject to the approval of the Corporation Counsel as to form.

Note: A public hearing was held on August 25, 2020 at 9:00 a.m. in the Police Training Room and will be live streamed as this meeting will be closed to the public.

7. Resolution authorizing the Mayor to enter into an agreement with Passport Labs, Inc, amending and extending the terms of the December 12, 2016 parking agreement for the period of July 1, 2020 through December 31, 2020, subject to the approval as to form by the Corporation Counsel.

8. Resolution authoring the Mayor to execute Change Order #1 to the Riverwalk Skateboard Park Agreement with Grindline Skateparks, Inc., 4619 14th Avenue SW, Seattle, WA 98106 to include the schedule adjustment below:

Preliminary site work (survey/Geotech/etc.)	August-Sept. 2020
Community Outreach	Sept.-Nov. 2020
Conceptual Design Design/Permitting	Nov.2020- Jan. 2021
Construction	Mar 2021- Jul 2021 (as weather allows)

for a no cost change order to the original agreement, subject to the approval of Corporation Counsel as to form.

9. Resolution authorizing the Mayor to execute an agreement with G.L. Olson, Inc., 5529 Thum Rd., Dewittville, NY 14728 for Construction of ADA Restroom Addition to the Concession Stand at Jackson Taylor Park, for a total bid amount of Three Hundred Three Thousand, Eight Hundred Dollars (\$303,800.00), subject to the approval of the Corporation Counsel as to form. The project will be funded with Community Block Grant (CDBG)-ADA Improvement funds.

10. Resolution authorizing the Mayor be to enter into a certain temporary easement agreement, with St. Nicholas Greek Orthodox Church, 15 Francis Street, Jamestown, NY 14701. Said easement to be subject to approval as to form by the Office of Corporation Counsel.

11. Resolution authorizing the payment of claim number 8 of 2020 in an amount not to exceed \$203.50.

Public Safety

Resolution

12. Resolution appointing Michele L. Bergman and Erin J. Simmons and reappointing Robert E. Reedy II and Nichole C. Kehe to the Office of Commissioner of Deeds for a period of two years.

Ordinance/Local Law

13. Ordinance Establishing Article XII of Chapter 290 Of The Jamestown City Code, Entitled "Owner Liability For Failure Of Vehicle Operator To Stop For A School Bus Displaying A Red Visual Signal And Stop-Arm"

Public Works

New Business

14. Resolution authorizing the mayor to execute an agreement with R-Patti Concrete Excavating, LLC, PO Box 3081, Jamestown, NY 14701 for 2020 Concrete Work: Bowen Street, Price Street to Newton Avenue for a total bid amount of One Hundred Forty-Six Thousand Seven Hundred Seventy-Five Dollars (\$146,775.00), subject to the approval of the Corporation Counsel as to form. The project will be funded with Community Block Grant (CDBG) funds.

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:

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

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

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

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

- Four (4) Police Officers in the Jamestown Police Department (Funded in the 2020 General Fund Budget).
- These positions are vacant as a result of three retirements and one resignation.

BY COUNCIL:

REFUNDING BOND RESOLUTION, DATED AUGUST 31, 2020, AUTHORIZING THE ISSUANCE OF REFUNDING SERIAL BONDS OF THE CITY OF JAMESTOWN, STATE OF NEW YORK, PURSUANT TO SECTION 90.10 OF THE LOCAL FINANCE LAW OF THE STATE OF NEW YORK, PROVIDING FOR OTHER MATTERS AND MAKING CERTAIN DETERMINATIONS IN RELATION THERETO AND PROVIDING FOR THE PAYMENT OF THE BONDS TO BE REFUNDED THEREBY.

WHEREAS, the City of Jamestown (the “City”) previously issued \$4,000,000 principal amount of Public Improvement Serial Bonds, Series 2011A (the “Refunded Bonds”) pursuant to a certificate of determination of the City Comptroller (sometimes referred to herein as the “Chief Fiscal Officer”), which Refunded Bonds are dated June 1, 2011 and mature in annual installments on June 1, in each of the years 2021-2026, inclusive, as follows:

\$290,000 in the year 2021,
\$300,000 in the year 2022,
\$315,000 in the year 2023,
\$325,000 in the year 2024,
\$340,000 in the year 2025, and
\$350,000 in the year 2026,

WHEREAS, the Refunded Bonds were authorized pursuant serial bond resolutions duly adopted by the City Council of the City for the objects or purposes described therein and delegated to the Chief Fiscal Officer the power to prescribe the terms, form and contents of and to sell and deliver such serial bonds of the City, including whether to issue such bonds with ; and

WHEREAS, \$1,920,000 aggregate principal amount of the Refunded Bonds currently remain outstanding and unredeemed as of the date hereof; and

WHEREAS, it is hereby determined to be in the public interest of the City to refund all or a portion of the outstanding Refunded Bonds, by the issuance of the refunding bonds authorized herein

pursuant to Section 90.10 of the Local Finance Law; and

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF JAMESTOWN, IN THE STATE OF NEW YORK (BY THE AFFIRMATIVE VOTE OF NOT LESS THAN TWO-THIRDS OF THE VOTING STRENGTH OF CITY COUNCIL OF THE CITY), AS FOLLOWS:

Section 1. For the purpose of refunding all or a portion of the \$1,920,000 outstanding principal amount of the Refunded Bonds providing moneys which, together with the interest earned from the investment of certain of the proceeds of the refunding bonds herein authorized shall be sufficient to pay: (i) the refunded principal amount of the Refunded Bonds; (ii) the aggregate amount of the unmatured interest payable on the Refunded Bonds to and including the date on which any series of the Refunded Bonds which are callable are to be redeemed prior to their respective maturities in accordance with the Refunding Financial Plan (as hereinafter defined) and attached hereto as Exhibit B; (iii) the costs and expenses incidental to the issuance of the Series 2020 Refunding Bonds, (the “Refunding Bonds”) as hereinafter authorized and as described in Exhibit A, including without limitation, the development of the Refunding Financial Plan, costs and expenses of executing and performing the terms and conditions of the Escrow Contract (as hereinafter defined), and any securities supply contract, the premium with respect to any bond insurance policy or policies acquired with respect to the Refunding Bonds (as defined below), discount or compensation of underwriters, fees of bond counsel and financial advisors, rating agency fees, printing and service agency fees and expenses, and fees and charges of the Escrow Holder (as hereafter described); and (iv) the redemption premium, if any, to be paid on any series of the Refunded Bonds which are to be called prior to their respective maturities; there are hereby authorized to be issued in one or more series not exceeding \$2,500,000 aggregate principal amount of refunding serial bonds of the City pursuant to the provisions of Section 90.10 of the Local Finance Law, it being anticipated that the par amount of Refunding

Bonds actually to be issued will be approximately \$2,040,000 as provided in Section 4 hereof. The proposed principal amounts and dates of maturity of such Refunding Bonds are set forth in the Refunding Financial Plan attached hereto.

Section 2. It is hereby determined pursuant to Section 90.10 that:

(a) the maximum amount of the Refunding Bonds authorized to be issued pursuant to this Resolution does not exceed the limitation imposed by subdivision 1 of paragraph (b) of Section 90.10 of the Local Finance Law with respect to each series of the Refunded Bonds;

(b) the aggregate amount of estimated present value savings computed in accordance with subparagraph (a) of subdivision 2 of paragraph b of Section 90.10 of the Local Finance Law is not expected to be less than three percent (3.0%) of debt service on the Refunded Bonds paid to stated maturity.

(c) The City Council is hereby authorized and directed to enter into an escrow contract (the "Escrow Contract") with a bank or trust company located and authorized to do business in this State as the City Council shall designate (the "Escrow Holder") for the purpose of having the Escrow Holder act, in connection with the Refunding Bonds, as the escrow holder to perform the services described in Section 90.10 of the Local Finance Law. In addition, the Escrow Contract may include a forward supply or purchase contract or agreement as part thereof or as a separate agreement for the provision of acquiring obligations of the United States of America or unconditionally guaranteed by the United States of America or other obligations or instruments qualified under Section 90.10 of the Local Finance Law or may be necessary for the completion of the Refunding Financial Plan. The Escrow Contract shall contain such terms and conditions as shall be necessary or required, including terms and conditions required for the completion of the Refunding Financial Plan, including provisions for the Escrow Holder, without further authorization or direction from the City Council of

the City, except as otherwise provided therein, including, without limitation, (i) to make all required payments of principal, interest and any redemption premiums to appropriate paying agents with respect to the Refunded Bonds, (ii) to pay costs and expenses incidental to the issuance of the Refunding Bonds, including the development of the Refunding Financial Plan, and of executing and performing the terms and conditions of the Escrow Contract by the Escrow Holder, (iii) at the appropriate time or times, to cause to be given on behalf of the City in the manner provided by law the notice of redemption authorized to be given pursuant to Section 8 hereof, and (iv) to invest the moneys held by the Escrow Holder pursuant to the terms of the Escrow Contract and consistent with the provisions of the Refunding Financial Plan. The Escrow Contract shall be irrevocable and shall constitute a covenant with the owners of the Refunding Bonds.

(d) The proceeds, inclusive of any premium, from the sale of the Refunding Bonds, immediately upon receipt, shall be placed in escrow by the City with the Escrow Holder pursuant to the terms of the Escrow Contract. All moneys held by the Escrow Holder shall be invested only in direct obligations of the United States of America, in obligations the principal of and interest on which are unconditionally guaranteed by the United States of America or in obligations or instruments qualified under Section 90.10 of the Local Finance Law, which obligations or instruments shall mature or be subject to redemption at the option of the Escrow Holder not later than the respective dates when such moneys will be required to make payments in accordance with the Escrow Contract and the Refunding Financial Plan. Any such moneys remaining in the custody of the Escrow Holder after the performance in full of the Escrow Contract by the Escrow Holder shall be returned to the City and shall be applied by the City Comptroller to the payment of the principal of or interest on the Refunding Bonds then outstanding, to the payment of any amounts required to be paid to the United States of America in connection of with the refunding of the Refunding Bonds or to the payment of

or reimbursement for the costs of issuance or other administrative costs incurred in connection with the issuance of the Refunding Bonds. In connection with the investment of moneys held by the Escrow Holder under the Escrow Contract, the City Comptroller is authorized to execute on behalf of the City any forward purchase or supply contract for the purchase or supply of the securities described in this subsection (d) at a date subsequent to the delivery of the Refunding Bonds, as is needed to accomplish the purposes of the Refunding Financial Plan.

Section 3. It is hereby determined that the maximum period or periods of probable usefulness permitted by law at the time of the issuance of the Refunded Bonds for each of the objects or purposes for which the Refunded Bonds were issued is no less than as shown in the Certificates of Determination of the City Comptroller incorporated by reference herein and made a part of this Resolution taking into account the earlier of the original date of issuance of any such series of serial bonds or bond anticipation notes funded by such series of Refunded Bonds; and

Section 4. The financial plan for the refunding authorized by this Resolution (the "Refunding Financial Plan"), showing the sources and amounts of all moneys required to accomplish such refunding, the estimated present value of the total debt service savings and the basis for the computation of the aforesaid estimated present value of total debt service savings, are set forth in Exhibit B attached hereto and made a part hereof. The Refunding Financial Plan has been prepared based upon the assumption that the Refunding Bonds will be issued in the aggregate principal amount of \$2,040,000 if fully issued and will mature, be of such terms, and bear such interest as set forth in the Refunding Financial Plan. The City Council recognizes that the principal amount of the Refunding Bonds, the series, maturities, terms, interest rate or rates borne by the Refunding Bonds, the provisions for redemption thereof prior to maturity and whether or not all of the Refunding Bonds will be insured, and the resulting present value savings are likely to vary from such assumptions and

that the Refunding Financial Plan will likely vary from that attached hereto as Exhibit B. The City Comptroller is hereby authorized and directed to determine the principal amount of the Refunding Bonds to be issued, the series and designation or designations thereof, the time or times of the sale thereof, the maturities and terms thereof, the provisions relating to the redemption of the Refunding Bonds prior to maturity, if any, the rate or rates of interest to be borne thereby, whether or not the Refunding Bonds will be insured in whole or in part or uninsured, and to prepare, or cause to be provided, a final Refunding Financial Plan, all in accordance herewith, and all powers in connection therewith may be exercised by the City Comptroller; provided, that the terms of the Refunding Bonds to be issued, including the rate or rates of interest borne thereby, shall comply with the requirements of Section 90.10 of the Local Finance Law. The City Council shall file a copy of a certificate determining the details of the Refunding Bonds and the final Refunding Financial Plan with the City Clerk within ten (10) days after the delivery of the Refunding Bonds, as herein provided.

Section 5. The faith and credit of the City are hereby irrevocably pledged to the payment of the principal of and interest on the Refunding Bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on the Refunding Bonds becoming due and payable in such year. To the extent that the same are not paid from other sources, there shall be annually levied on all the taxable real property in the City a tax sufficient to pay the principal of and interest on the Refunding Bonds as the same become due and payable.

Section 6. Proceeds from the sale of the Refunding Bonds, including any accrued interest and, together with interest earned thereon, which shall be required for the payment of the principal of and interest on the Refunded Bonds, including any redemption or call premiums, in accordance with the Refunding Financial Plan, shall be irrevocably committed and pledged to such purpose and the

owners of the Refunded Bonds shall have a lien upon such moneys and the investments thereof held by the Escrow Holder. The pledge and lien provided by this Resolution shall become valid and binding upon the issuance of the Refunding Bonds and the moneys and investments held by the Escrow Holder shall immediately be subject thereto without any further act. Such pledge and lien shall be valid and binding against all parties having claims of any kind in tort, contract, equity, at law or otherwise against the City irrespective of whether such parties have notice thereof. Neither this Resolution, the Escrow Contract, nor any other instrument relating to such pledge and lien, need be filed or recorded.

Section 7. In accordance with the terms of the Refunded Bonds and the provisions of Section 53.00 and of paragraph (h) of Section 90.10 of the Local Finance Law, and subject only to the issuance of the Refunding Bonds, as herein authorized, the City hereby elects to call in and redeem all or a portion of the Refunded Bonds maturing on and after June 1, 2021 on November 14, 2020. The sum to be paid therefor on such redemption dates shall be the par value thereof plus the redemption premium, if any, as provided in the issuance proceedings for the Refunded Bonds and the accrued interest to such redemption date. The Escrow Holder is hereby authorized and directed to cause notice of such call for redemption to be given in the name of the City in the manner and within the times provided in the issuance proceedings for the Refunded Bonds. Such notice of redemption shall be in substantially the form attached to the Escrow Contract. Upon the issuance of the Refunding Bonds, the election to call in and redeem the applicable portion of the Refunded Bonds and the direction to the Escrow Holder to cause notice thereof to be given as provided in this paragraph shall become irrevocable, provided that this paragraph may be amended from time to time as may be necessary in order to comply with the notice, requirements of paragraph (a) of Section 53.00 of the Local Finance Law, or any successor law thereto. It is hereby determined that with respect to the series of Refunded

Bonds to be called in and redeemed as provided in this Section 7, it is to the financial advantage of the City not to charge, impose and collect or receive from registered owners of the Refunded Bonds mailing, shipping, insurance or other similar charges in connection with such redemption or calls. Accordingly, pursuant to paragraph (c) of Section 70.00 of the Local Finance Law, no such charges shall be so charged, collected or received by the Chief Fiscal Officer, as fiscal agent.

Section 8. The Refunding Bonds may be sold at either a negotiated or competitive sale and the City Comptroller is hereby authorized to execute a purchase contract on behalf of the City for the sale of the Refunding Bonds, provided that the terms and conditions of such sale shall be approved by the State Comptroller and further provided that, prior to the issuance of the Refunding Bonds the City Council shall have filed with the City Clerk a certificate approved by the State Comptroller pursuant to subdivision 2 of paragraph (g) of Section 90.10 of the Local Finance Law setting forth the present value savings to the City resulting from the issuance of the Refunding Bonds. In connection with such sale, the City Council of the City hereby authorizes the preparation of an Official Statement and approves its use in connection with such sale, and further consents to the distribution of a Preliminary Official Statement prior to the date said Official Statement is executed and available for distribution, all in accordance with applicable State and Federal securities laws, rules and regulations.

Section 9. The City Council of the City hereby appoints the law firm of Squire Patton Boggs (US) LLP of New York, New York, as bond counsel in connection with the issuance and sale of the Refunding Bonds. The City Council of the City hereby appoints the firm of Capital Markets Advisors, LLC, of Orchard Park, New York, as financial advisor in connection with the issuance and sale of the Bonds. The power to appoint the Escrow Holder, as that term is referred to herein, and a senior

managing underwriter for the sale of the Refunding Bonds if sold at private sale, is hereby delegated to the City Comptroller, as Chief Fiscal Officer of the City.

Section 10. Each of the Refunding Bonds authorized by this Resolution shall contain the recital of validity prescribed by Section 52.00 of the Local Finance Law and the Refunding Bonds shall be general obligations of the City, payable as to both principal and interest by a general tax upon all the taxable real property within the City, without limitation as to rate or amount.

Section 11. The City Comptroller, pursuant to Sections 50.00, 90.00, 90.10 and 168.00 of the Local Finance Law, and all other officers, employees and agents of the City are hereby authorized and directed for and on behalf of the City to execute and deliver all certificates and other documents, perform all acts and do all things required or contemplated to be executed, performed or done by this

Resolution or any document or agreement approved hereby, including to correct or amend the documents and certificates authorized to complete the transactions contemplated by this Resolution.

Section 12. All other matters pertaining to the terms, issuance and sale of the Refunding Bonds consistent with the provisions of Section 90.10 of the Local Finance Law shall be determined by the City Comptroller and the powers in connection therewith not otherwise heretofore delegated thereto are hereby delegated to the City Comptroller, including the authority to issue such obligations on the basis of substantially level or declining annual debt service.

Section 13. The City intends to issue the obligations authorized by this Resolution to finance the costs of the purposes described herein for the completion of the Refunding Financial Plan. The City covenants for the benefit of the holders of the Refunding Bonds that it will not make any use of (a) the proceeds of the Refunding Bonds, any funds reasonably expected to be used to pay the principal of or interest on the Refunding Bonds or any other funds of the City, and (b) the purposes financed with the proceeds of the Refunding Bonds, which would cause the interest on which to

become subject to Federal income taxation under the Internal Revenue Code of 1986, as amended (the "Code") (except for the federal alternative minimum tax imposed on corporations by Section 55 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 the Refunding Bonds or the proceeds thereof, if such action or omission would cause the interest on the Refunding Bonds to become subject to Federal income taxation under the Code (except for the federal alternative minimum tax imposed on corporations by Section 55 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 Refunding Bonds or any other provision hereof until the date which is sixty (60) days after the final maturity date or earlier prior redemption date thereof. The proceeds of the Refunding Bonds may be applied to reimburse expenditures or commitments made for the purposes on or after a date which is not more than sixty (60) days prior to the adoption date of this Resolution by the City.

Section 14. For the benefit of the holders and beneficial owners from time to time of the Refunding Bonds, the City agrees, in accordance with and as an obligated person with respect to the Refunding Bonds under, Rule 15c2-12 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 Refunding Bonds 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 Corporation Counsel and bond counsel or other qualified independent special counsel to the City and shall be entitled to rely upon any legal advice provided by the Corporation Counsel or such bond counsel or other qualified independent special counsel in determining whether a filing should be made.

Section 15. The validity of the Refunding Bonds may be contested only if such obligations are authorized for objects or purposes for which the City is not authorized to expend money, or the provisions of law which should be complied with at 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 publication, or if said obligations are authorized in violation of the provisions of the Constitution of New York.

Section 16. When this bond Resolution takes effect, it shall be published in full by the City Clerk, together with a notice in substantially the form prescribed by Section 81.00 of the Local

Finance Law, and such publication shall be in _____, a newspaper

having a general circulation in the City and which is hereby designated as the official newspaper of the City for such purpose.

Section 17. This bond Resolution shall take effect immediately upon its adoption by the City Council of the City.

BY COUNCIL:

RESOLVED, That the City Comptroller be and hereby is authorized to make the following amendment to the 2020 General Fund Budget for the purpose of paying unexpected asbestos removal costs associated with the Smart Cities Heating/Cooling project as follows:

INCREASE: Appropriations	\$24,680.00
City Hall Building Maintenance	
A.1620.457	

DECREASE: Appropriations	\$24,680.00
Contingency	
A.1990.0400	

BY COUNCIL:

RESOLVED, That the Mayor be, and hereby is authorized to enter into an agreement with CGI Communications Inc., 130 East Main Street, 5th Floor, Rochester, NY 14604, to produce video content for the City at no cost for a period of three (3) years, subject to the approval as to form by the Corporation Counsel.

BY COUNCIL:

WHEREAS, the U.S. Department of Justice, Bureau of Justice Assistance, is administering the 2020 Edward Byrne Memorial Justice Assistance Grant (JAG) Program, and

WHEREAS, the City of Jamestown is eligible to receive funding under the 2020 Edward Byrne Memorial Justice Assistance Grant (JAG) Program, now therefore be it

RESOLVED that the Mayor and Police Chief be and hereby are authorized to receive grant funds to be utilized by the Jamestown Police Department in the amount of \$16,094.00. These proceeds will be used by the Jamestown Police Department to purchase a new DVR Video System that would cover three separate interview rooms within the agency.

BY COUNCIL:

Resolution authorizing the Mayor to enter into an agreement with Passport Labs, Inc, amending and extending the terms of the December 12, 2016 parking agreement for the period of July 1, 2020 through December 31, 2020, subject to the approval as to form by the Corporation Counsel.

BY COUNCIL:

RESOLVED, that the Mayor be and he hereby is authorized to execute Change Order #1 to the Riverwalk Skateboard Park Agreement with Grindline Skateparks, Inc., 4619 14th Avenue SW, Seattle, WA 98106 to include the schedule adjustment below:

Preliminary site work	August-Sept. 2020
(survey/Geotech/etc.) Community	Sept.-Nov. 2020
Outreach Conceptual Design Final	Nov.2020- Jan. 2021
Design/Permitting	Mar 2021- Jul 2021 (as weather allows)
Construction	

for a no cost change order to the original agreement, subject to the approval of Corporation Counsel as to form.

BY COUNCIL:

RESOLVED, That the Mayor be and he hereby is authorized to execute an agreement with G.L. Olson, Inc., 5529 Thum Rd., Dewittville, NY 14728 **for Construction of ADA Restroom Addition to the Concession Stand at Jackson Taylor Park**, for a total bid amount of Three Hundred Three Thousand Eight Hundred Dollars (\$303,800.00), subject to the approval of the Corporation Counsel as to form. The project will be funded with Community Block Grant (CDBG)-ADA Improvement funds.

BY COUNCIL:

WHEREAS, CITY OF JAMESTOWN, NY, 200 East Third Street, Jamestown, NY (“Grantee”) in the consideration of the sum of One and 00/100 (\$1.00), has requested from ST. NICHOLAS GREEK ORTHODOX CHURCH, 15 Francis Street, Jamestown, NY 14701 (“Grantor”), a temporary construction easement to construct a storm sewer drain line from Chapman St. to Sprague St. on lands being part of that property having Chautauqua County Tax Identification Number 506-4-11 (City of Jamestown) and recorded in Liber 716 on page 17 heretofore constructed by Grantor on and over certain real property owned by Grantor, now, therefore, be it

RESOLVED, that the Mayor be and he hereby is authorized to enter into certain temporary easement agreement, with the Grantor, said easement to be subject to approval as to form by the Office of Corporation Counsel.



Agenda Date__ August 31, 2020_____

Agenda Item: _____

STAFF REPORT

Approved and Forwarded to City Council
Edward A. Sundquist
Edward A. Sundquist, Mayor

DATE: August 31, 2020
TO: Edward A. Sundquist, Mayor
FROM: Jennifer R. Williams, City Clerk/Treasurer

SUBJECT: Resolution approving claim number 8 of 2020 in the amount of \$203.50.

ACTION: Resolution Ordinance/Local Law Informational/Report

ISSUE STATEMENT: Claims are to be approved by the City Council during their full monthly meeting.

BACKGROUND: Claim was approved during Executive Session during the August 10th Work Session.

FISCAL IMPACT: \$203.50

RECOMMENDATION: Approval

ATTACHMENT(S):
1. Claim approval
2. Resolution

August 11, 2020

Sherri Berg
254 Barrett Ave.
Jamestown, NY 14701

Re: Claim #8 of 2020

Dear Ms. Berg:

The above referenced claim was approved by the Jamestown City Council at its meeting held August 10, 2020 in the amount of \$203.50.

The matter will go before the full City Council meeting on August 31, 2020 for approval. You may contact the City Clerk's office at (716)483-7613 relative to receiving a check after that date.

Should you have any questions, do not hesitate to contact my office.

Very truly yours,



Elliot S. Raimondo
Corporation Counsel

ESR:tt

cc.: Jennifer Williams, Director of Financial Services/City Clerk
Parks Dept.



Edward A. Sundquist
Mayor

Office of Corporation Counsel

200 East Third Street, Jamestown, NY 14701

Phone: 716-483-7540 • Fax: 716-483-7544 • Email: counsel@cityofjamestownny.com • www.jamestownny.net

BY COUNCIL:

RESOLVED, That the following claim be and hereby is allowed:

No: 8 of 2020

Sherri Berg
254 Barrett Ave.
Jamestown, NY 14701

\$203.50

STAFF REPORT

Approved and Forwarded to City Council

Edward A. Sundquist

Edward A. Sundquist, Mayor

DATE: August 31, 2020

TO: Edward A. Sundquist, Mayor

FROM: Jennifer R. Williams, City Clerk/Treasurer

SUBJECT: Commissioner of Deeds Appointments/Reappointments

ACTION: Resolution Ordinance/Local Law Informational/Report

ISSUE STATEMENT: Any individual being appointed or reappointed as a Commissioner of Deeds for the City of Jamestown must receive council approval

BACKGROUND: none

FISCAL IMPACT: none

RECOMMENDATION: Approval. Note: Appointments have been approved by the City Court Judge

ATTACHMENT(S): 1. Resolution

BY COUNCIL:

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

Michele L. Bergman August 31, 2020 through August 30, 2022

Erin J. Simmons August 31, 2020, though August 30, 2022

AND BE IT ALSO 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:

Robert E. Reedy II August 31, 2020 through September 29, 2022

Nicole C. Kehe August 31, 2020 through May 16, 2022

ORDINANCE 2020-08-___

**ESTABLISHING A SCHOOL BUS STOP ARM
DEMONSTRATION PROGRAM**

By Councilmember Brent Sheldon

August __, 2020

WHEREAS, the City of Jamestown seeks to ensure the safety of all students within its borders; and,

WHEREAS, an estimated 17 million school bus stop arm violations happen every year in the United States, showing the problem needs to be deterred; and,

WHEREAS, the members of the City Council find it to be in the best interests of the City to establish a school bus stop arm camera program to penalize those who endanger our students, pedestrians, cyclists, drivers and their passengers everyday;

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

Section 1. Article XII of Chapter 290 of the Jamestown Code, entitled “Owner Liability For Failure Of Vehicle Operator To Stop For A School Bus Displaying A Red Visual Signal And Stop-Arm” is hereby established and shall read as follows:

§290-58 PURPOSE.

The purpose of this chapter is to impose monetary liability on the owner of a motor vehicle under circumstances where the operator of that motor vehicle fails to stop for a school bus displaying a red visual signal and stop-arm. It is a well-known fact that vehicle operators often fail to stop for a school bus displaying a red visual signal and stop-arm, thus creating a hazardous and dangerous condition for passengers, especially children, who depart from a stopped school bus. The intent of this chapter involves the installation of cameras on the school bus stop-arm to increase safety for passengers departing the school bus by imposing financial liability on the owner of the vehicle which will serve as a deterrent.

§290-59 DEFINITIONS.

As used in this Article, the following words shall have the following respective meanings:

- A. "Person" means one or more individuals, a partnership, company, association, corporation, trust, trustee or receiver or limited liability company.
- B. "Owner" means the registered owner of a motor vehicle.
- C. "City" means the City of Jamestown, New York.
- D. "School District" means the City School District of the City of Jamestown, New York.

§290-60 DEMONSTRATION PROGRAM IMPOSING MONETARY LIABILITY.

Pursuant to Section 1174-a of the New York State Vehicle and Traffic Law, the City hereby establishes a demonstration program imposing monetary liability on the owner of a motor vehicle for the failure of an operator thereof to comply with Section 1174 of the New York State Vehicle and Traffic Law when meeting a school bus marked and equipped as provided in subdivisions 20 and 21-(1)-(c) of Section 375 of the New York State Vehicle and Traffic Law and operated in the City.

This demonstration program empowers the City to install and operate, or to cause to be installed and operated, school bus photo violation monitoring systems which may be stationary or mobile.

Such school bus photo violation monitoring systems may be installed on school buses owned and operated by the School District, or on school buses privately owned and operated for compensation under contract with the School District provided that no such stationary school bus photo violation monitoring system shall be installed and operated, or caused to be installed and operated by the City, except on roadways under the jurisdiction of the City and further provided no such mobile school bus photo violation monitoring system shall be installed or operated on school buses unless the City and the School District enter into an agreement for such installation and operation.

§290-61 HANDLING AND CUSTODY OF PHOTOGRAPHS.

As part of the demonstration program, the City will create procedures for the proper handling and custody of photographs, micro photographs, video tapes and other recorded images and data produced by such mobile school bus photo violation monitoring systems in place on school buses and for the forwarding of such photographs, micro photographs, video tapes and other recorded images and data to the City. Any such agreement entered into between the City and the School District must be approved by majority vote of the Jamestown City Council and also by Resolution of the Board of the School District.

§290-61 PRIVACY ISSUES.

As part of the demonstration program, the City shall adopt and enforce measures to protect the privacy of drivers, passengers, pedestrians and cyclists whose identity and identifying information may be captured by a school bus photo violation monitoring device. Such measures shall include:

- A. Utilization of necessary technologies to ensure, to the extent practicable, that photographs produced by such school bus photo violation monitoring devices shall not include images that identify the driver, the passengers, the contents of the motor vehicle, pedestrians and cyclists; provided, however, that no Notice of Liability issued pursuant to this section shall be dismissed solely because a photograph or photographs allow for the identification of the contents of a motor vehicle, provided that such City has made a reasonable effort to comply with the provisions contained herein.
- B. A prohibition on the use or dissemination of motor vehicles' license plate information and other information and images captured by such school bus photo violation monitoring systems, except:
 - (1) as required to establish liability under this chapter or collect payment of penalties;
 - (2) as required by court order; or
 - (3) as otherwise required by law and oversight procedures to ensure compliance with the afore described privacy protection measures.
- C. The City shall the install signage in conformance with standards established in the Manual and Specifications for a Uniformed System of Traffic Control Devices ("MUTCD") maintained by the Commission of Transportation, at each roadway entrance of the City boundaries giving notice that school bus photo violation monitoring systems are used to enforce restrictions on motor vehicles violating Section 1174 of the New York State Vehicle and Traffic Law. For purposes of this chapter, the term "roadway" shall not include State Expressway Routes or State Interstate Routes but shall include controlled access highway exit ramps that enter the City boundaries of the City.

§290-62 VEHICLE OWNER LIABILITY.

The owner of a motor vehicle shall be liable for a monetary penalty imposed pursuant to this chapter if such vehicle was used or operated with the permission of the owner, expressed or implied, in violation of Section 1174 of the New York State Vehicle and Traffic Law if such violation is evidenced by information obtained from a school bus photo violation monitoring system; provided, however, that no owner of a motor vehicle shall be liable for a monetary penalty imposed pursuant to this chapter where the operator of such motor vehicle has been convicted of the underlying violation of Section 1174 of the Vehicle and Traffic Law.

§290-63 OWNER LIABILITY FOR MONETARY PENALTIES.

- A. An owner of a motor vehicle liable for a violation of subsection (a) of Section 1174 of the New York State Vehicle and Traffic Law shall be liable for monetary penalties as provided herein. The liability of the owner pursuant to this chapter shall be \$250.00 for a first violation; \$275.00 for a second violation; provided the first and second were committed within a period of eighteen (18) months, and; \$300.00 for a third, or subsequent violation, provided that all of which were committed within a period of eighteen (18) months. An additional penalty in the amount of \$25.00 for each violation shall be due and payable resulting from the failure of the owner to respond to a Notice of Liability within the prescribed time period.
- B. An imposition of liability pursuant to this chapter shall not be deemed a conviction as an operator and shall not be made part of the operating record of the person upon whom such liability is imposed, nor shall it be used for insurance purposes in the provision of motor vehicle insurance coverage.

§290-64 NOTICE OF LIABILITY.

- A. A Notice of Liability shall be sent by first-class mail to each person alleged to be liable as an owner for a violation of subdivision (a) of Section 1174 of the New York State Vehicle and Traffic Law pursuant to this chapter. Personal delivery on the owner shall not be required; a manual or automatic record of mailing prepared in the ordinary course of business shall be prima facie evidence of the facts contained therein.
- B. The Notice of Liability shall contain the name and address of the person alleged to be liable as an owner for a violation of subdivision (a) of Section 1174 of the New York State Vehicle and Traffic Law pursuant to this chapter, the registration number of the vehicle involved in such violation, the location of where such violation took place, the date and time of such violation and the identification number of the camera which recorded the violation or other document locator number.
- C. The Notice of Liability shall include information advising the person charged of the manner and the time in which he or she may contest the liability alleged in the Notice of Liability. Such Notice of Liability shall also contain a warning to advise the persons charged that failure to contest in the manner and time provided shall be deemed an admission of liability and that a default judgment may be entered thereon.
- D. The Notice of Liability shall be prepared and mailed by the City or by such other entity authorized by the City to prepare and mail such Notice of Liability and recover any such monetary penalty.
- E. Adjudication of the liability imposed upon owners by this chapter shall be made by the City Court of the City of Jamestown, NY.

§290-65 PRESUMPTION OF OWNER LIABILITY; DEFENSES TO A NOTICE OF LIABILITY.

- A. For purposes of this chapter, there shall be a presumption that the operator of such motor vehicle was operating such vehicle with the consent of the owner at the time such operator failed to comply with Section 1174 of The New York State Vehicle and Traffic Law.
- B. If an owner receives a Notice of Liability pursuant to this chapter for any time period during which the motor vehicle was reported to the police as having been stolen, it shall be a valid defense to the allegation of liability for a violation of subdivision (a) of Section 1174 of the New York State Vehicle and Traffic Law pursuant to this chapter that the motor vehicle had been reported to the police as stolen prior to the time the violation had occurred and had not been recovered by such time. For purposes of asserting a defense provided by this section, it shall be sufficient that a certified copy of the police report on the stolen motor vehicle be sent by First Class Mail to the City Court of the City Jamestown, NY.
- C. An owner who is a lessor of a vehicle to which Notice of Liability was issued shall not be liable for the violation of subdivision (a) of Section 1174 of the New York State Vehicle and Traffic Law provided he or she sends to the City Court of the City of Jamestown, NY a copy of the rental, lease or other such contract document covering such motor vehicle on the date of the violation with the name and address of the lessee clearly legible, within thirty-seven (37) days after receiving notice from the court of the date and time of such violation, together with such other and further information contained in the original Notice of Liability. Failure to send such information within such thirty-seven (37) day time period shall render the owner liable for the monetary penalty prescribed by this chapter. Where the lessor complies with the provisions of this paragraph, the lessee of such motor vehicle on the date of such violation shall be deemed to be the owner of such vehicle for purposes of this chapter, shall be subject to liability for the violation of subdivision (a) of Section 1174 of the Vehicle and Traffic Law pursuant to this section and shall be sent a Notice of Liability pursuant to this chapter.
- D. No owner of a motor vehicle shall be subject to a monetary penalty imposed pursuant to this Chapter if such owner can demonstrate by clear and convincing evidence that such school bus stop arms were malfunctioning at the time of the alleged violation.
- E. No owner of a motor vehicle shall be subject to a monetary penalty imposed pursuant to this chapter if the operator of such motor vehicle was operating such motor vehicle without the consent of the owner at the time such operator failed to comply with Section 1174 of the New York State Vehicle and Traffic Law and the owner of the motor vehicle is able to demonstrate to the court by

clear and convincing evidence that the motor vehicle was operated at the time of the violation without the consent of the owner.

§290-66 REPORTING REQUIREMENTS.

The demonstration program established by the City requires that it submit an annual report on the results of the use of a school bus photo violation monitoring system to the Governor, the President of the Senate and the Speaker of the Assembly on or before June 1, 2021 and on the same date in each succeeding year in which the demonstration program is operable. Such report shall include, but not be limited to, the following:

- A. The number of buses and a description of the routes where stationary and mobile school bus photo violation monitoring systems were used.
- B. The aggregate number, type and severity of accidents reported at locations where a school bus photo violation monitoring system is used for the year preceding the installation of such system, to the extent the information is maintained by the New York State Department of Motor Vehicles
- C. The number of violations recorded at each location where a school bus photo violation monitoring system is used and in the aggregate on a daily, weekly and monthly basis.
- D. The number of convictions for violations of subdivision (a) of Section 1174 of the New York State Vehicle and Traffic Law recorded at each location where a school bus photo violation monitoring system is used on an annual basis, to the extent the information is maintained by the Department of Motor Vehicles of this state.
- E. The total number of Notices of Liability issued for violations recorded by such systems.
- F. The number of monetary penalties and total amount of monetary penalties paid after the first Notice of Liability issued for violations recorded by such systems.
- G. The number of violations adjudicated and results of such adjudications including breakdowns of dispositions made for violations recorded by such systems which shall be provided at least annually to such City by the courts conducting such adjudications.
- H. The total amount of revenue realized by the City.
- I. The expenses incurred by the City in connection with the program.
- J. The quality of the adjudication process and its results including the total number of hearings scheduled, re-scheduled, and held; the total number of persons scheduled for such hearings; the total number of cases where monetary penalties were paid on or before the hearing date; and the total number of default judgments entered. Such information shall be provided at least annually to the City by the court conducting such adjudications.

K. A description of public education activities conducted to warn motorists of the dangers of overtaking and passing stopped school buses.

§290-66 EXPIRATION.

This demonstration program shall expire on December 1, 2024 unless extended further by act of the New York State Legislature.

Section 2. All ordinances and parts of ordinances hereto passed which are inconsistent with any provision of this ordinance are hereby repealed.

Section 3. Effective Date. This ordinance shall take effect immediately upon adoption and publication according to law.

STAFF REPORT

Approved and Forwarded to City Council



Edward A. Sundquist, Mayor

DATE: August 24, 2020
TO: Edward A. Sundquist, Mayor
FROM: Jeffery Lehman, P.E., Public Works Director
SUBJECT: Resolution to Approve a Contract Agreement with R-Patti Concrete & Excavating for concrete work on Bowen St. between Price St. and Newton Ave.
ACTION: Resolution Ordinance/Local Law Informational/Report

ISSUE STATEMENT: On projects with a large quantity of concrete work the City will put out a contract for competitive bid for the concrete work. Qualified contractors are encouraged to bid.

BACKGROUND: The Bowen St. project runs between Price St. and Newton Ave. The project will remove and replace badly damaged sidewalk, driveway aprons, curbs, brick pavement sections, and replace out of compliance handicapped ramps. R-Patti Concrete & Excavating was one of two companies to submit prices, and was the lowest with a bid totaling \$146,755.

FISCAL IMPACT: Total cost of the contract is \$146,755.00 paid from the Community Development Block Grant fund.

RECOMMENDATION: Staff requests that the City Council authorize this concrete contract, from the low bidder R-Patti at the prices attached.

ATTACHMENT(S):
1. Concrete Work: Bowen St. Bid Tabulation
2. Bowen St. Site Plan

CONCRETE WORK: August 2020
Bowen St. - Price St. to Newton Ave.



Opened By; Jeff Lehman
Witnessed By: Mark Roetzer

Due Date: Monday, August 24, 2020

BID TABULATION

Item No.	Quantity	Unit	Description	R-Patti Concrete & Excavating		S. Tabone Construction Co.	
				Unit Price	Amount	Unit Price	Amount
1	3,800	SF	CONCRETE FLATWORK: 4 INCH	\$ 10.75	\$ 40,850.00	\$ 13.50	\$51,300.00
2	2300	SF	CONCRETE FLATWORK: 6 INCH	\$ 11.25	\$ 25,875.00	\$ 14.75	\$33,925.00
3	700	LF	CONCRETE CURB & GUTTER	\$ 75.00	\$ 52,500.00	\$ 60.00	\$42,000.00
4	50	SY	ASPHALT PAVEMENT	\$ 108.00	\$ 5,400.00	\$ 75.00	\$3,750.00
5	25	EA	BRICK PAVEMENT REPLACEMENT	\$ 150.00	\$ 3,750.00	\$ 135.00	\$3,375.00
6	100	SY	BRICK PAVEMENT RELAY	\$ 140.00	\$ 14,000.00	\$ 125.00	\$12,500.00
7	80	LF	DETECTABLE WARNING SURFACE FOR ADA ACCESSIBLE CURB CUTS	\$ 55.00	\$ 4,400.00	\$ 45.00	\$3,600.00
Total					\$ 146,775.00		\$150,450.00
Non-Collusive Bidding Certificate				Yes or No		Yes or No	
Bid Security				Yes or No		Yes or No	

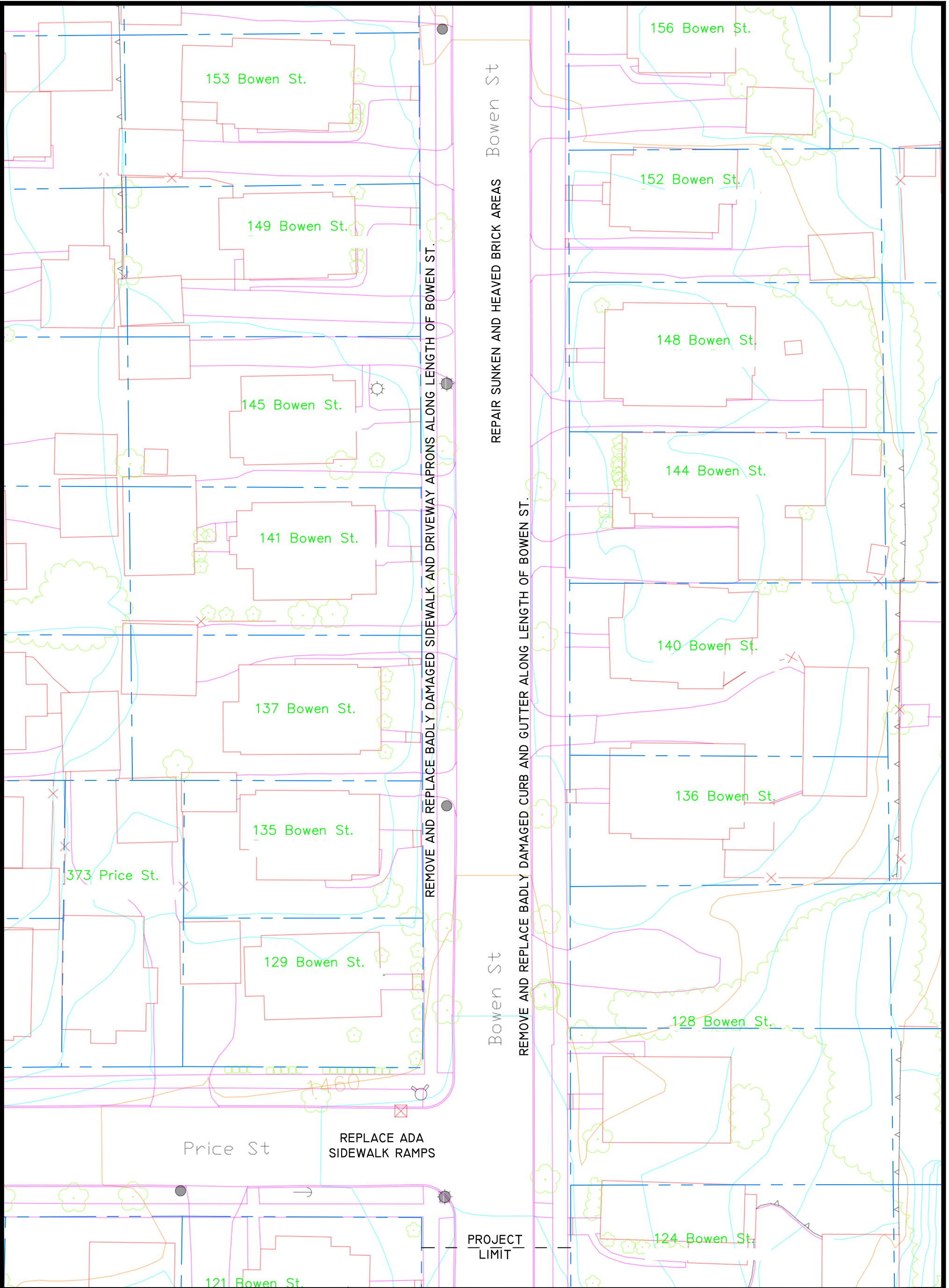
**CONCRETE WORK: STREET RECONSTRUCTION 2015
LAKEVIEW AVE. - PHASE 4**



Lakeview Ave. - Falconer St. to 8th St. Construction Totals

Item No.	Quantity	Unit	Description	Unit Price
1	3563.4	SF	Flatwork: 4"	\$5.40
2	1751	SF	Flatwork: 6"	\$6.25
3	1124	LF	Standard 18" Curb & Gutter	\$27.50
4	10	LF	Steps	\$45.00
5	0	EA	Steps Hand Railing	\$250.00
6	6	EA	Core Drill: 4 inch diameter w/ 15' of 4" drain pipe	\$100.00
7	0	TON	Additional Stone	\$30.00
8	0	CY	Additional Excavation	\$15.00
9	40	SF	Detectable warning surface for ADA Accessible Curb Cuts	\$20.00
TOTAL				

Amount
\$19,242.36
\$10,941.88
\$30,910.00
\$450.00
\$0.00
\$600.00
\$0.00
\$0.00
\$800.00
\$62,944.24



CITY OF JAMESTOWN
 DEPARTMENT OF PUBLIC WORKS
 200 3RD ST., 4TH FL., JAMESTOWN, NY 14701
 716-483-7545(OFFICE) 716-483-7544(FAX)

TITLE
 BOWEN ST. - PRICE ST. TO NEWTON AVE.

MDR

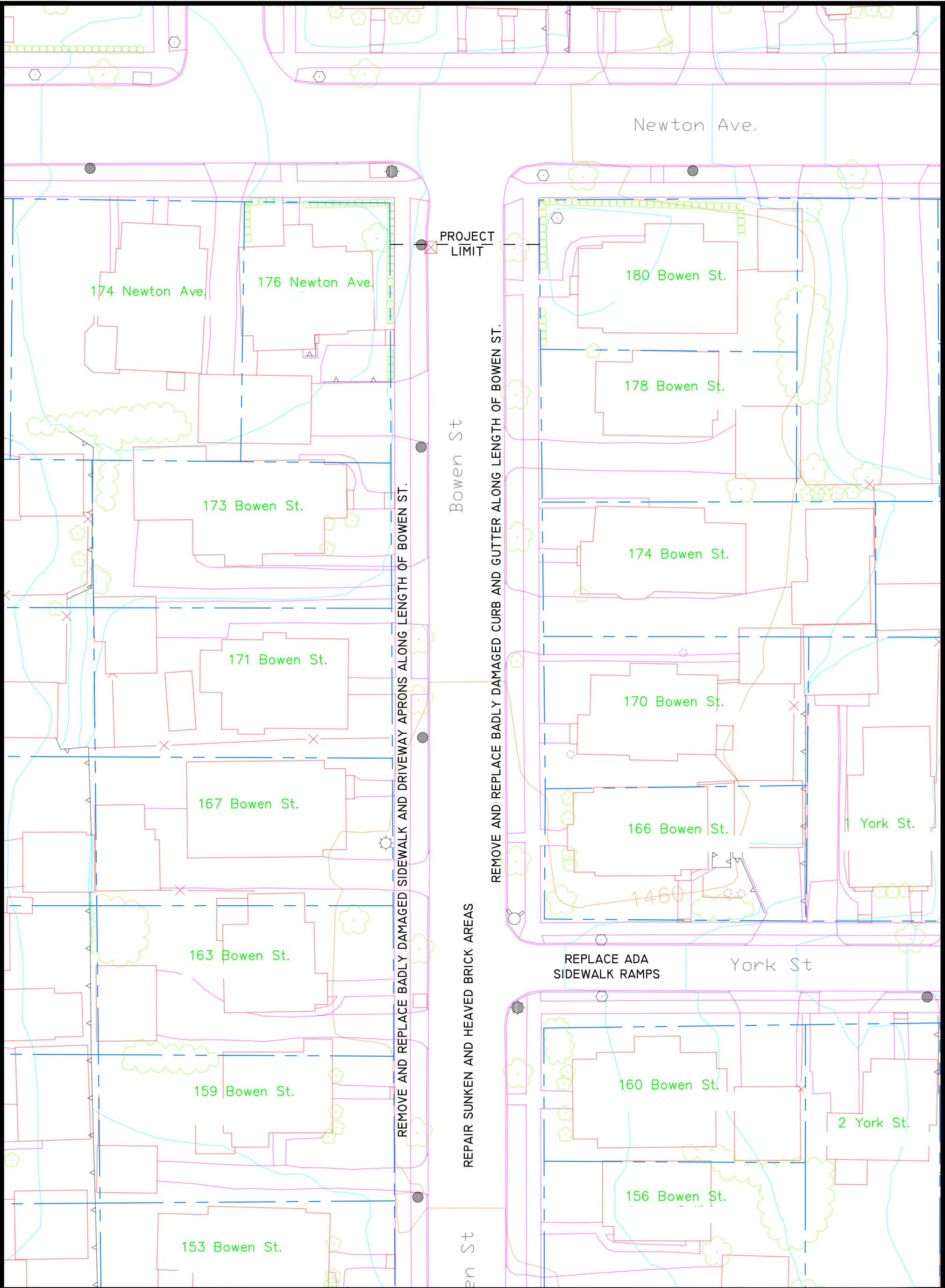
DATE	BY	REV

SCALE
 1"=30'

DATE
 AUGUST 2020

SHEET

1 OF 2



CITY OF JAMESTOWN
 DEPARTMENT OF PUBLIC WORKS
 200 3RD ST., 4TH FL., JAMESTOWN, NY 14701
 716-483-7545(OFFICE) 716-483-7544(FAX)

TITLE		MDR		SCALE 1"=30'	DATE AUGUST 2020	SHEET 2 OF 2
BOWEN ST. - PRICE ST. TO NEWTON AVE.		DATE	BY			