

May 18, 2009

City Council

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Proceedings by Authority

State of New York  
City of Jamestown  
City Council Chambers

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A regular meeting of the City Council of the City of Jamestown, New York was held on Monday, May 18, 2009 at 7:30 p.m.

Members Present: Council Members, Steve Szwejbka, Michael Taylor, Vince DeJoy, Paul Whitford, Kim Ecklund and George Spitale

Members Absent: Council President Greg Rabb, Council Members Anthony Dolce and Maria Jones

Others Present: Director of Financial Services/City Clerk James N. Olson, Corporation Counsel Marilyn Fiore-Nieves, Director of Public Works Jeff Lehman, Director of Public Safety/ Police Chief Rex Rater, Director of Development Steven Centi and Deputy Fire Chief Lance Hedlund

In the absence of Council President Rabb, Director of Financial Services/City Clerk James N. Olson called the meeting to order.

Rev. Sally Chall of the Zion Covenant Church gave the invocation.

Councilman Taylor moved to nominate Councilman DeJoy as President Pro-Tem.

Councilman Whitford seconded the motion.

Councilwoman Ecklund moved to close the nominations and cast one unanimous ballot.

Carried: 6 ayes, 0 nays

Councilwoman Ecklund moved to approve the minutes from the April, 2009 meeting and Councilman Spitale seconded the motion.

### **OPPORTUNITIES FOR PERSONS TO ADDRESS THE COUNCIL**

200905C00.01

James Slagle, Hotel Jamestown Building, 110 W. 3<sup>rd</sup> St.: I ask the Council again about these manhole covers. It's costing everybody in the City new tires and new lineups every year because your manholes are so deep when the wheel hits it it just knocks the

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heck out of the car. Is there a possibility that you could put more blacktop in them, or do something? They don't have to be that deep – there are some worse than that, especially on Foote Avenue. My front wheel hits that one everytime I go by it. It's mostly right out in the middle of the road and they need to be looked in to. Again, I'm talking about the Cherry Street Parking Ramp. The lights up there are getting terrible. They're not staying lit. There's one up there that what makes it go, it's been out for almost a year and I don't know...Jeff – what are you going to do about these lights up there? They're not staying lit, there are ones that have been out for year.

Mr. Lehman: I'll let you know.

Mr. Slagle: It's just not safe. Now you've got the Spring Street Parking Ramp parking over there too and they're coming in early in the morning – half of them are out. You put bulbs in them and they don't last. It's just getting out of hand and again, I want to commend Chief Rater on his Police Department – they're doing a good job in the City. I've asked him to go down on Cherry Street side and have his men at night, late at night, by the Hotel Jamestown because they're sleeping in there. We have no security in there at all and thank you very much.

200905C00.02

Peter Morgante, 134 Euclid Avenue: Tonight you've got six. Last time I came here there was five; at a work session there was seven; tonight you've got six. I said a long time ago you've got to reorganize – perhaps we don't need a Mayor anymore. We need a City Manager made up of Council people and somebody who is interested in the affairs of this City. How can we run our City with people who aren't even here. This is ridiculous. We have issues going around in the City and nobody shows up. People come here – nobody listens. We pay attention because you don't listen to people you don't care what they think – it seems that way. Even Mr. Szwejbka was on the radio show. Nobody has any comments or any faith in our City Council in our City government anymore because nobody even comes to the meetings. We had a big issue with this traffic issue. Another child got injured today on North Main Street and nothing seems to be done but you can't stop accidents. And putting new signs and more signs up is not going to help the child who does not read them on the accidents. Something is wrong with our streets in our City and the traffic patterns. We've got more traffic streets – speedways – Falconer Street, Buffalo Street, 2<sup>nd</sup> Street, Fifth Street, Seventh, Sixth – all over the City and it's terrible. And we see more and more accidents and our Chief has got them. He sees the reports and nothing seems to be done in order to stop the accidents. Some how or another, something has to be done but we need somebody on Council where people can hear and listen to the people.

**STANDING COMMITTEES**

**FINANCE COMMITTEE**

200905C01

COUNCILWOMAN ECKLUND:

RESOLVED, That bills be audited and warrants drawn on the proper funds in payment of the respective amounts, totals as follows: General Fund, Capital Fund, Special Revenue Fund and Trust & Agency Fund \$3,734,654.43 in accordance with the period ending May 18, 2009, copy of which is annexed hereto and a copy to be filed in the office of the City Clerk, and be it further

RESOLVED, That disbursements in the total amount of \$3,145,747.35, and payrolls in the total amount of \$588,907.08, as paid by the Comptroller and Director of Financial Services, a copy of which is annexed hereto and a copy to be placed on file in the office of the City Clerk be and hereby are approved.

Carried: 6 ayes, 0 nays

200905C02

BY COUNCILWOMAN ECKLUND:

RESOLVED, That warrants be drawn and paid to the respective owners and paying agents the sum of one hundred fifty-four thousand four hundred six dollars and twenty-five cents (\$154,406.25) in accordance with the bond requirements as follows:

**Various Purpose Bonds,** issue of May 15, 2000, one hundred fifty thousand (\$150,000.00) of principal and four thousand four hundred six dollars and twenty-five cents (\$4,406.25) for six months interest at 5.875% per annum on one hundred fifty thousand dollars (\$150,000.00).

Carried: 6 ayes, 0 nays

200905C03

BY COUNCILWOMAN ECKLUND:

RESOLVED, That warrants be drawn and paid to the respective owners and paying agents the sum of twenty-nine thousand eight hundred forty dollars and sixty-three cents (\$29,840.63) in accordance with the bond requirements as follows:

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**Various Purpose Bonds**, issue of February 15, 2006, fifteen thousand (\$15,000) of principal and fourteen thousand eight hundred forty dollars and sixty-three cents (\$14,840.63) for six months interest at 3.50% per annum on eight hundred twenty thousand dollars (\$820,000.00).

Carried: 6 ayes, 0 nays

200905C04

BY COUNCILWOMAN ECKLUND:

RESOLVED, That the offer of Donna S. Bermudez and Sonia M. Passanise, for the purchase of parcel 387.12-3-11 located on Tower Street, assessed value of one thousand five hundred dollars (\$1,500.00), lot size 49.5x110, in the amount of one hundred fifty dollars (\$150.00), be and hereby is accepted, and be it

RESOLVED, That the offer of Donna S. Bermudez and Sonia M. Passanise, for the purchase of parcel 387.12-3-13 located on Tower Street, assessed value of one hundred dollars (\$100.00), lot size 15x65, in the amount of one hundred fifty dollars (\$150.00), be and hereby is accepted, now therefore be it further

RESOLVED, That the Mayor be, and he hereby is, authorized to execute a quit claim deed on said properties and the City Comptroller be and he hereby is authorized to credit the amount of one hundred sixty three dollars and ninety two cents (\$163.92), to Account A330, Property Acquired for Taxes and to credit the amount of one hundred thirty six dollars and eight cents (\$136.08) to Account A1051 Gain on Sale of Tax Acquired Property.

Carried: 6 ayes, 0 nays

200905C05

BY COUNCILWOMAN ECKLUND:

RESOLVED, That the offer of Nicholas D. Spitzer and Jill K. Spitzer, for the purchase of parcel 387.16-2-29 located on Oak Street, assessed value of seven hundred dollars (\$700.00), lot size 50x111, in the amount of fifty dollars (\$50.00), be and hereby is accepted, and be it

RESOLVED, That the offer of Nicholas D. Spitzer and Jill K. Spitzer, for the purchase of parcel 387.16-2-30 located on Oak Street, assessed value of two thousand eight hundred dollars (\$2,800.00), lot size 50x111, in the amount of fifty dollars (\$50.00), be and hereby is accepted, now therefore be it further

RESOLVED, That the Mayor be, and he hereby is, authorized to execute a quit claim deed on said properties and the City Comptroller be and he hereby is authorized to credit the amount of twenty six dollars and thirty four cents (\$26.34), to Account A330, Property Acquired for Taxes and to credit the amount of seventy three dollars and sixty six (\$73.66) to Account A1051 Gain on Sale of Tax Acquired Property.

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Councilwoman Ecklund: I would just like to recognize that Resolution Nos. 4 and 5 are the purchase of currently both vacant lots which will put these lots back on the tax roles.

Carried: 6 ayes, 0 nays

200905C06

BY COUNCILWOMAN ECKLUND:

WHEREAS, the U.S. Department of Justice, Bureau of Justice Assistance is administering the 2009 Edward Byrne Memorial Justice Assistance Grant (JAG) Program, and

WHEREAS, the City of Jamestown, County of Chautauqua and City of Dunkirk are eligible to receive funding under the 2009 Edward Byrne Memorial Justice Assistance Grant (JAG) Program through a joint application process, now therefore be it

RESOLVED, that the Mayor and Police Chief be, and they are hereby authorized and directed to execute a Memorandum of Agreement with the County of Chautauqua and City of Dunkirk to receive grant funds through the 2009 Edward Byrne Memorial Justice Assistance Grant (JAG) Program to be utilized by the Jamestown Police Department, the Chautauqua County Sheriff's Department, and the Dunkirk Police Department in the amount of \$159,216 subject to the approval of the Corporation Counsel as to form.

Note: The Jamestown Police Department will receive \$101,706 of these funds. These proceeds will be used by the Jamestown Police Department to fund the purchase of four 2009 Chevrolet Impalas and one 2009 Ford Explorer to be used as marked police vehicles.

Councilwoman Ecklund: I would just like to comment that this is an on-going yearly grant that we receive. I don't know exactly Chief, can you tell me how many years to your knowledge that we've received this grant?

Chief Rater: No.

Councilwoman Ecklund: Several years – and this money this year will be used to purchase equipment in the Department and vehicles.

Carried: 6 ayes, 0 nays

200905C07

BY COUNCILWOMAN ECKLUND:

RESOLVED, That the Mayor of the City of Jamestown be, and he hereby is, authorized to enter into an agreement with Highmark Insurance Company, for a specific excess stop-loss insurance policy for the period June 1, 2009 through May 31, 2010 in the

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amount of one hundred thirty-five thousand dollars (\$135,000) for specific deductible, maximum two million dollars (\$2,000,000), at a cost of \$43.72 per covered individual, subject to the approval of the Corporation Counsel as to form.

Carried: 6 ayes, 0 nays

200905C08

BY COUNCILWOMAN ECKLUND:

RESOLVED, That the Mayor of the City of Jamestown be, and he hereby is, authorized to enter into an agreement with Blue Cross Blue Shield of Western New York, Buffalo, New York, 14202 to administer the City of Jamestown's self-insured medical, vision, utilization review, preferred provider organization program and COBRA administration in the amount of a base fee of twenty-six dollars (\$26.00) per participant per month plus an administrative expense allowance and vendor management fee of two dollars and twenty-nine cents (\$2.29) per participant per month for the period June 1, 2009 through May 31, 2010, and a base fee of twenty-seven dollars and thirty cents (\$27.30) per participant per month plus an administrative expense allowance and vendor management fee of two dollars and twenty-nine cents (\$2.29) per participant per month for the period of June 1, 2010 through May 31, 2011, and an extension of the previously approved pharmacy benefit manager agreement from February 1, 2011 to May 31, 2011, with no change in the monthly fee, subject to the approval of the Corporation Counsel as to form.

Carried: 6 ayes, 0 nays

200905C09

BY COUNCILWOMAN ECKLUND:

RESOLVED, That the Mayor be, and he hereby is, authorized to enter into an agreement with NOVA Healthcare (Independent Health), 250 Essjay Road, Buffalo, New York, 14221 to administer the City of Jamestown's self-insured Dental Insurance Program in the amount of three dollars and ninety-five cents (\$3.95) per participant per month for the period of June 1, 2009 to May 31, 2010, subject to the approval of the Corporation Counsel as to form.

Carried: 6 ayes, 0 nays

200905C10

BY COUNCILWOMAN ECKLUND:

RESOLVED, That the Mayor be, and hereby is, authorized to enter into an agreement with the Chautauqua County Humane Society for the years 2009 and 2010 for services provided to the City of Jamestown with regard to stray animals, subject to the approval as to form by the Corporation Counsel.

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Councilwoman Ecklund: I would like to state that this is a renewal. This is a program that we've had for four or five years, or three years at least. This is just a renewal to continue that program with the Humane Society.

Carried: 6 ayes, 0 nays

200905C11

BY COUNCILWOMAN ECKLUND:

RESOLVED, That the Mayor of the City of Jamestown be, and he hereby is, authorized to enter into an agreement with Elite Graphics in an amount not to exceed \$1.00 for the purpose of using the Allen Park Ice Rink on May 9, 2009 to hold a fundraiser to benefit the David Love Scholarship Fund at the Chautauqua Region Community Foundation with the following stipulations subject to the approval of the Corporation Counsel as to form.

- That Elite Graphics will be responsible for all utility costs.
- That Elite Graphics will be responsible for all hiring and payment of personnel and will be responsible for the hours of operation of the facility.
- That Elite Graphics will list the City of Jamestown as an additional insured on its liability insurance policy in the amount of \$ 1,000,000.
- That Elite Graphics will clean the building and return the building to its prior state no later than May 10, 2009.

Carried: 6 ayes, 0 nays

200905C12

BY COUNCILWOMAN ECKLUND:

RESOLVED, That the City Comptroller be, and he hereby is, authorized to make the following amendment to the 2009 General Fund Budget regarding emergency repairs to Fire Department Engine 3:

INCREASE:	Appropriations	\$5,311.00
	Fire Department Heavy Rescue Vehicle	
	A.3410.0430	

DECREASE:	Appropriations	\$5,311.00
	Contingency	
	A.1990.0400	

Carried: 6 ayes, 0 nays

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200905C13

BY COUNCILWOMAN ECKLUND:

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

No: 7 of 2009	Dolores Parsons	\$335.00
	551 Lakeview Avenue	
	Jamestown, New York 14701	

Carried: 6 ayes, 0 nays

200905C14

BY COUNCILWOMAN ECKLUND:

RESOLVED, that Police Officer Shane Swan and Sergeant James Dahlberg be, and hereby are, authorized to attend the 4<sup>th</sup> Annual Hostage Negotiator's Seminar to be held in Rochester, NY from May 20 – 22, 2009 with expenses paid pursuant to Section 77-b of the General Municipal Laws of the State of New York.

Carried: 6 ayes, 0 nays

200905C15

BY COUNCILWOMAN ECKLUND:

RESOLVED, that Police Officers Floyd Kent and Greg Wozneak be, and hereby are, authorized to attend the Suicide Prevention and Crisis Intervention in County Jails and Police Lockups Training to be held in Batavia, NY from May 19 – 21, 2009 with expenses paid by funds from the Operation IMPACT grant.

Carried: 6 ayes, 0 nays

**PUBLIC WORKS**

200905C16

BY COUNCILMAN WHITFORD:

RESOLVED that the Mayor be, and he hereby is, authorized to execute Change Order #1 to the SPRING STREET PARKING RAMP REPAIRS contract held by CPS Construction Group, Inc., 400 Penn Center Boulevard, Pittsburgh, PA 15235 (authorized by Resolution 200903A21), to include:

Date changes:

Start date moved to May 4, 2009;

Substantial completion date extended by 21 calendar days

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for no cost adjustment to the original contract.

Carried: 6 ayes, 0 nays

200905C17

BY COUNCILMAN WHITFORD:

RESOLVED that the Mayor be, and he hereby is, authorized to execute Change Order #2 to the SPRING STREET PARKING RAMP REPAIRS contract held by CPS Construction Group, Inc., 400 Penn Center Boulevard, Pittsburgh, PA 15235 (authorized by Resolution 200903A21), to include:

Lost general condition values to the items originally deducted from the project:

Item 7 – Drainage

Item 9 – Electrical Allowance

Item 11 – Electrical Base Bid

ADD : Three Thousand Dollars (\$3,000.00)

for a Three Thousand Dollar (\$3,000.00) increase to the original contract.

Carried: 6 ayes, 0 nays

200905C18

BY COUNCILMAN SPITALE:

RESOLVED, That the bid submitted by Lake Shore Paving, Inc., 7 Osmer Street, Jamestown, NY, 14701 for Concrete Work: Street Reconstruction 2009, Contract A: Camp Street, based on the bid opened May 18, 2009, in the following amounts, be and the same hereby is accepted:

7860 SF Flat Work: 4 inch at \$ 4.75 / SF

1850 SF Flat Work: 6 inch at \$ 5.75 / SF

1740 LF Standard 18" Curb & Gutter: Slip-form at \$ 17.25 / LF

24 LF 18" Curb & Gutter: Stationary-form at \$ 20.00 / LF

12 LF Vertical Curb: Stationary-form \$ 0 / LF

25 LF Steps at \$ 0 / LF

12 EA Core Drill: 4 inch diameter at \$ 0 / EA

5 TON Additional Stone at \$ 30.00 / TON

0 CY Additional Excavation: \$ 0 / CY

0 SF Stamped Concrete: Brick N/A

0 LF Valley Cub & Gutter: Slip-form at N/A

160 SF ADA Accessible Curb Cuts (detectable warning surface) at \$ 25.00 /SF

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for a total bid amount of Eighty-two Thousand Six Hundred Seventeen Dollars and Fifty Cents (\$ 82,617.50), this being the lowest of three bids received, and be it further

RESOLVED, That the Mayor be, and he hereby is, authorized to execute an agreement with Lake Shore Paving, Inc., which agreement will reflect the services to be performed by Lake Shore Paving, Inc. at the prices referred to above, said agreement to be subject to approval as to form by the office of the Corporation Counsel.

Carried: 6 ayes, 0 nays

200905C19

BY COUNCILMAN SPITALE:

WHEREAS, the County of Chautauqua included the City of Jamestown in its bidding process for numerous construction-related items; and

WHEREAS, the City of Jamestown has determined that the proposals received by the County are the most advantageous to the City for the following items:

- S-1-09 Asphaltic concrete
- S-2-09 Asphaltic oils
- S-3-09 Coarse aggregates
- S-4-09 Processed gravel & sand
- S-5-09 Stone fill and dry rip-rap
- PF-4-09 Strong durable – nova chip
- PF-5-09 Crack fill
- S-7-09 Ready mix concrete
- S-10-09 Bank run
- S-11-09 Building & construction supplies
- S-17-09 Supply & delivery Chrysler & Chevy OEM automotive parts
- S-18-09 Supply & delivery of aftermarket automotive parts & related products
- S-19-09 Supply & delivery of Ford automotive parts & related products
- S-21-09 Supply & delivery of automotive oils, lubricants, related products & services
- S-22-09 Supply & delivery of automotive filters and related products & services

now, therefore, be it

RESOLVED, that the Director of Public Works is authorized to purchase construction materials and services at the prices quoted to the County of Chautauqua for the contract period 4/1/09 to 3/31/10.

Carried: 6 ayes, 0 nays

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**PUBLIC SAFETY**

200905C20

BY COUNCILMAN SZWEJBKA:

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

Marvin L. Hartley

May 19, 2009 to May 18, 2011

and be it further

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

Sarah Drake

May 24, 2009 to May 23, 2011

Carried: 6 ayes, 0 nays

Councilwoman Ecklund: Normally, I don't like to comment to some of the things that Mr. Morgante has addressed tonight, but there are certain things that people should be aware of. There are certain circumstances that many Council Members cannot attend meetings, work sessions, whatever – they do have personal issues or professional issues that limit their ability to be here. Just because they're not here physically, doesn't necessarily mean that they're not paying attention to their duties as a Council Member. I want that clearly stated and if Mr. Morgante would have been here, I would have clearly stated that to him as well.

Councilman Taylor: First, I would really just reiterate what Councilwoman Ecklund just said, but that being said, she pretty much said it all. In addition, just a couple other comments I would like to make is (1) for everyone to keep in mind that we have a BPU meeting to be held at Love School next Thursday, so for any Councilpersons in the community to come out is the next round of meetings regarding the Clean Coal Power Plant Project. In addition, I just wanted to mention, also off of what Mr. Morgante had said that this City Council, I know, has taken the series of tragedies and unfortunate traffic accidents seriously. We had discussed weeks ago about examining the traffic patterns on Falconer Street, about getting the speed trailer to examine the speeds and the traffic volume as well and I thank the Department for doing that and to continue to please do that as well. Just to let the community know that at the same time, we're doing all we can to try to make these roads safer and for whatever reason, there is a series of these unfortunate accidents that seem to be happening quite often, more so than we've ever really known. But at the same time, just a reminder to parents, to please be careful –

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watch the kids. Make sure things are safe. Memorial Day Weekend is coming up. Traffic does get a little crazy there so especially with the long weekend coming, be extra careful with your families, with your children; and the final note I want to make is there are a lot of activities and things going on in the Jamestown area – downtown – for Memorial Day Weekend, and for everyone to be sure to support those during these economic times. It's good to go out, have a good time and also to support our local community. Thank you.

There being no further business, the meeting was adjourned.

James N. Olson  
Director of Financial Services/  
City Clerk