

June 22, 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, June 22, 2009 at 7:30 p.m.

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

Members Absent: Council President Greg Rabb

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. Wayne Eppenheimer of the CMA Church gave the invocation.

Councilman Taylor moved to nominate Councilwoman Ecklund as President Pro-Tem.

Councilman Whitford seconded the motion.

Councilman Dolce moved to close the nominations and cast one unanimous ballot.

Carried: 8 ayes, 0 nays

The minutes from the previous meeting of May 18, 2009 were approved.

200906B00.01

**MESSAGES FROM THE MAYOR/COUNCIL PRESIDENT**

CITY OF JAMESTOWN )

Mayor's Office )

To the City Council of the City of Jamestown New York

June 22, 2009

Council Members:

In pursuance of the authority vested in me by the Charter of said City, I do hereby nominate:

Paul Hill  
235 Hallock Street  
Jamestown, New York 14701

to be appointed a member of the Zoning Board of Appeals in and for the City of Jamestown, New York, (to fill the un-expired term of Howard Brook, resigned).

The term for which said appointment is to be made will expire  
December 31, 2010.

Dated: June 22, 2009

Samuel Teresi  
Mayor of the City of Jamestown, New York

Councilman Dolce moved to suspend the rules and vote on the appointment.  
Councilman Szwejbka seconded the motion.

Carried: 8 ayes, 0 nays

Councilman Dolce moved to vote for the appointment.  
Councilman Taylor seconded the motion.

Carried: 8 ayes, 0 nays

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

200906B00.02

John Pitts, 15 Charles Street: I've had a very frustrating situation that I'm very thankful for I have several Council members that got involved in it. They worked together as a team. They started the ball rolling on this and I just personally wanted to come and thank Mrs. Ecklund and Mr. Spitale for getting the things taken care of or at least getting the ball rolling and getting this issue resolved. Now, based on this, I live on the south side of town; there are some areas that are going downhill. You people and the citizens of the City need to step up and put an end to some of the crap that goes on. Excuse the language – but that's what it is. The tenants and some of the absentee

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landlords are absolutely turning this City into an appalling mess – my street being one of them. But I want to say thank you again tonight for the people that got involved and helped – the Fire Department for the other evening for a great stop and saving a very nice building. So based on that this evening – thank you – once again.

200906B00.03

Peter Morgante, 134 Euclid Ave.: For some reason, I wish Council would make sure that the speaker systems are put loud enough so the people can even hear what's going on in this room. Are you afraid to speak up? We've got these, we've spent a lot of money for them, we don't even know what this man was talking about hardly unless you come up here personally and listen.

Mr. Olson: They're turned up as high as we can go Pete.

Mr. Morgante: Then there's something wrong with the system and you should get it fixed. The public has the right to know what's going on and when they want to speak. Now I am very sick and tired of this. This is the third month – there has been nobody here from the Mayor's office to represent the people or to listen to what the people say, and when the people complain. You pick up The Post-Journal lately – more and more people are writing articles in The Post-Journal complaining about the situation in the City of Jamestown and giving advice about what should be done on their opinions. Tourist people come in our City and they're so sick and tired of the trash that's going on in our streets and all that not taken care of. Nobody does a thing about it. You go to a work session and you're not allowed to complain or to make suggestions and last week was the worst thing with Mr. Szwejbka. I said "I should make a tape recording of my remarks because I'm always talking about the same thing." Council people do not understand the City budget is the City services. City budget is property taxes. People are scared to hell of loosing their property and being overcharged. And I don't think that you people have the ability, some of you, especially on the Safety Committee to understand the issues; and when somebody goes to a work session and they want to point out that you're doing something wrong and you shut them down because you don't want to hear anything, then something is wrong. And the issue was over that Falconer Street issue especially and the one-way street issues and the traffic patterns. People are writing articles all over the papers in our own papers where they don't know what they're talking about. And the answer to this is the speed limits and our Chief of Police won't admit it – they won't do nothing about it because they think they're following the rules; they think they know what they're doing and they don't. I'm sorry to say this. And the Safety Committee is the most important issue in the City of Jamestown – Public Safety. We have developed a speedway of one-way streets and which is a master plan which was supposed to be told to the public in 2008 and it was for to get the people in and out of the City so quick. And that's the ??????????. And what's happened now that Mr. Rice is gone and the streets are all built so that we can get traffic coming in and out and there's no reason. We got to get those lights lined up so we can speed the hell through. You will never admit that Falconer Street is a speedway; Buffalo Street is a speedway; Lakeview Avenue's a speedway; most of our streets are speedways. Now where are the people

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supposed to cross the streets? You go down North Main Street Mr. Taylor, where can somebody cross the street? It's from the church to Love School. No place. They got to cross in the middle of the street. People do it themselves. You talk about cross roads. You've got one up at the Y up there on a one way street. Two cars coming by – they don't see those cross roads. And that's for the pedestrian. We got to have a plan where somebody with common sense is working on it. I'm tired of all these??????. You spend \$150,000.00 with the Gebbie Foundation on that traffic plan and it was a joke. And the plan was supposed to be for the future of Jamestown in 2020. It's gone – it ain't coming back. We're a dying town. Somehow or another you ought to get these damn things fixed.

**STANDING COMMITTEES**

**FINANCE COMMITTEE**

200906B01

COUNCILMAN DOLCE:

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 \$5,376,942.67 in accordance with the period ending June 22, 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 \$3,789,400.63, and payrolls in the total amount of \$1,587,542.04, 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: 8 ayes, 0 nays

200906B02

BY COUNCILMAN DOLCE:

RESOLVED, That the Mayor be, and hereby is, authorized to enter into an agreement with Chautauqua County for tax collection purposes in accordance with Chautauqua County Legislature resolution 111-09, subject to the approval as to form by the Corporation Counsel.

Carried: 8 ayes, 0 nays

BY COUNCILMAN DOLCE:

WHEREAS, the New York State Office of Children and Family Services has made available \$14,990.00 in youth service and youth recreation monies to be contracted with non-profit agencies in the City of Jamestown, and

WHEREAS, the Board of Directors of the City of Jamestown's Department of Youth Services has reviewed and passed the youth service and youth recreation programs for 2009 using all of the Office of Children and Family Services eligibility, and

WHEREAS, the agencies will provide proof of expenses to the Department of Youth Services before the City will forward the reimbursement to the agencies,

WHEREAS, the City of Jamestown will give the agency a check for the amount of Office of Children and Family Services funding to be reimbursed by the Office of Children and Family Services to the City of Jamestown, now therefore be it

RESOLVED, that the Mayor be, and he hereby is, authorized to enter into contracts with the following agencies for youth service and youth recreation programs for 2009:

PARKS & RECREATION "Summer Program" - youth recreation program,  
\$1,500.00;

CHAUTAUQUA STRIDERS "Lighted Schoolhouse Program" - youth service  
program, \$1,500.00;

JAMESTOWN BOYS & GIRLS CLUB "Smart Girls" - youth service program,  
\$1,500.00;

FAMILY SERVICES - . Drop-out Prevention Program - youth service program,  
\$1,293.00;

The SALVATION ARMY – Children and Family Outreach Program, youth  
service program, \$2,000.00;

JAMESTOWN YMCA "Eastside Boxing and Nutrition Program"- youth  
recreation program, \$2,000.00;

JOINT NEIGHBORHOOD PROJECT - Summer Youth Programs - youth  
recreation program, 2,397.00;

SHOOTING STARS - Youth Development Program, youth recreation program,  
\$2,000.00 and

DEPARTMENT OF YOUTH SERVICES - Project YES - youth service  
program, \$800.00

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Carried: 8 ayes, 0 nays

200906B04

BY COUNCILMAN DOLCE:

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 and County of Chautauqua 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/Director of Public Safety be, and they hereby are, authorized and directed to execute a Memorandum of Agreement with the County of Chautauqua to receive grant funds to be utilized by the Jamestown Police Department and the Chautauqua County Sheriff's Department in the amount of \$24,611.00.

Note: The Jamestown Police Department will receive \$12,305.50 of these funds. These proceeds will be used by the Jamestown Police Department to fund the purchase of a Crime Scene Response Vehicle with an attached vault.

Carried: 8 ayes, 0 nays

200906B05

BY COUNCILMAN DeJOY:

WHEREAS, under the Community Development Block Grant (CDBG) and HOME programs, entitlement communities are allotted funds to implement housing, community, and economic development activities; and

WHEREAS, the City of Jamestown has been designated an entitlement community and is eligible to prepare and submit an Annual Action Plan as part of the City's Consolidated Plan, which includes proposed housing, community, and economic development activities to be funded through the City's FY 2009 CDBG and HOME Program funding allotment; and

WHEREAS, in conjunction with an extensive public input process conducted by the City of Jamestown's Department of Development, the staff has developed a draft FY 2009 Annual Action Plan which includes proposed housing, community, and economic development activities to be funded with \$1,403,408 through the 2009 CDBG allocation and \$421,657 through the 2009 HOME allocation, for a total of \$1,825,065; and

WHEREAS, said development activities will occur in designated target areas in the community and include a variety of housing rehabilitation, infrastructure, planning, public services, and economic development initiatives; and

WHEREAS, in addition to the extensive, informal public input process conducted by the Department of Development, two required public hearings were held on March 25,

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2009 and May 18, 2009, for the purpose of obtaining citizen input regarding the FY 2009 Annual Action Plan and the specific CDBG and HOME activities to be contained therein; and

WHEREAS, the draft FY 2009 Annual Action Plan has been available for public review for a minimum of 30 days as required by U.S. Department of Housing and Urban Development regulations; and

WHEREAS, additional comments of support and public input were received during the aforesaid public input period and carefully considered by Administration officials and City Council members; now therefore be it

RESOLVED, that the Mayor be and is hereby authorized and directed to submit the draft FY 2009 Annual Action Plan, including the specific CDBG and HOME activities contained therein, to the U.S. Department of Housing and Urban Development; and be it further

RESOLVED; that the specific CDBG and HOME activities contained within the FY 2009 Annual Action Plan will be comprised of the list hereto attached.

***FY 2009 Community Development Block Grant and HOME Programs***

***Summary of FY 2009 CDBG Activities:***

***Proposed Low-Moderate Benefit Activities: (77.73 % of Active Funds):***

<u>Activity</u>	<u>Amount</u>
A.D.A. Improvements –Public Facilities	\$ 210,000
Neighborhood Target Area Infrastructure Improvement Program	\$ 237,908
Neighborhood Target Area Street Lighting Program	\$ 30,000
Homeownership Services Program	\$ 10,000
Neighborhood Target Area Demolition Program	\$ 110,000
Chadakoin Park Infrastructure Improvements (Phase 2)	\$ 75,000
Neighborhood Target Area Code Enforcement	\$ 58,000
Citywide Rental Rehabilitation Program	\$ 141,850
<b>SUB-TOTAL (Low - Moderate Benefit Activities)</b>	<b><u>\$ 872,758</u></b>

***Proposed Slums and Blight Activities: (22.27 % of Active Funds):***

<u>Activity</u>	<u>Amount</u>
Downtown Greenlining Façade Improvement Program	\$ 250,000
<b>SUB-TOTAL (Slums and Blight Activities)</b>	<b><u>\$ 250,000</u></b>
Planning and Administration – Technical Assistance	10,000
Administration/Program Delivery	\$ 270,650
<b>TOTAL (CDBG Program)</b>	<b><u>\$1,403,408</u></b>

***Summary of FY 2009 HOME Program Activities:***

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<u>Activity</u>	<u>Amount</u>
Citywide Owner-Occupied Rehabilitation	\$ 316,242
CHDO Set-Aside (15%)	\$ 63,249
Administration/Program Delivery	\$ 42,166
<b>TOTAL (HOME Program)</b>	<b><u>\$ 421,657</u></b>

Carried: 8 ayes, 0 nays

200906B06

BY COUNCILMAN DeJOY:

RESOLVED, that Corporation Counsel, Marilyn Fiore-Nieves, Police Chief/Director of Public Safety Rexford H. Rater and Deputy Fire Chief Lance Hedlund be, and hereby are authorized to attend the New York State Public Employer Labor Relations Association annual training conference to be held July 27 through 29, 2009, in Saratoga Springs, NY, with expenses to be paid pursuant to Section 77-b of the General Municipal Law.

Carried: 8 ayes, 0 nays

200906B07

BY COUNCILMAN DeJOY:

RESOLVED, That Fire Alarm Maintenance Supervisor Cris Dahlgren be, and he hereby is, authorized to attend the Northeast International Municipal Signal Association Fall Training School in Danbury, Connecticut on October 26-29, 2009, with expenses paid pursuant to Section 77-b of the General Municipal Law.

Carried: 8 ayes, 0 nays

200906B08

BY COUNCILMAN DeJOY:

RESOLVED, That Battalion Chief William Johnston be, and he hereby is, authorized to attend the New York State Fire Instructors Conference School in Montour Falls, New York on July 20-24, 2009, with expenses paid pursuant to Section 77-b of the General Municipal Law.

Carried: 8 ayes, 0 nays

**PUBLIC WORKS**

200906B09

BY COUNCILMAN SPITALE:

RESOLVED that the Mayor be, and he hereby is, authorized to execute Change Order #1 to the *Crushing of Road Base Material (2009)* contract held by Metzger Removal, Inc., 235 River Road, North Tonawanda, NY 14120 (per resolution 20090108), to include:

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Item #1: Crush and stockpile an additional 19,056 ton of material at \$4.23/ton for a total addition of approximately 19,056 ton of material to the original quantity (20,000 ton).

Carried: 8 ayes, 0 nays

200906B10

BY COUNCILMAN WHITFORD:

WHEREAS, three-quarters of this Council concurs that it is impractical to take bids for proprietary parts for parking control equipment for the Spring Street Parking Garage; now, therefore, be It

RESOLVED, That the action of the Mayor in issuing a Purchase Order to Victor Liborator Time Systems Inc., Buffalo NY in the amount not to exceed One Hundred Nine Thousand Seven Hundred Forty-three Dollars (\$109,743.00) to provide and install new parking control equipment as spelled out in their proposal dated May 14, 2009 is hereby approved.

Discussion: These control devices are also utilized in the Cherry Street parking ramp-the City's other parking facility.

Carried: 8 ayes, 0 nays

**PUBLIC SAFETY**

200906B11

BY COUNCILWOMAN JONES:

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

Section 1. Section 290.24.C. of the Code of the City of Jamestown is hereby amended to add thereto:

Allen Street from Pullman Street to English Street (parking on the east side of the street only)

Section 3. This ordinance amendment shall be effective immediately upon adoption.

Carried: 8 ayes, 0 nays

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200906B12

BY COUNCILMAN SZWEJBKA:

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:

Francine A. Piazza

July 24, 2009 to July 23, 2011

Carried: 8 ayes, 0 nays

**NEW BUSINESS:**

Councilman Taylor: I just wanted to mention that it's really about this time each year as we hit summer that I give that reminder to the community on behalf of Public Safety to really be safe, to really look out for your children over the summer; to support our law enforcement; to support our Police because we know as the summertime hits, things do have the tendency to really get somewhat crazy. The volume of calls goes up and it's something about the hot weather that really sets this influx of crime and things so just for the community to continue to support each other, to really be on the lookout for trouble, report any problems that might be seen as well. On the second thing – I just wanted to mention as it's been reported over the last week, just to speak more on our Public Safety meeting and our work session last week, regarding safety on Falconer Street, is for the community to utilize the sources that were talked about. We don't want any accidents over the summer, we are very concerned about the children. Whatever activities are set up to really reinforce road safety, to please utilize those over the summer and to really – to your constituents – to really get that word out there. Since we did our study on Falconer Street, I have been getting emails, and I know a few other council people have regarding other trouble problems of the City that they think could be safety hazards – have been safety hazards – there have been traffic issues. Just to let everyone know that the Council, I'm sure, will be looking into each of those matters and taking suggestions and finding out what is best for different problem areas. Thank you Madam President.

Councilman Szwejbka: Just a couple of comments. First I'd like to publicly congratulate WCA Hospital for attaining high grades on a recently released 2009 Hospital Report Card. I think they are a definite asset to our community and secondly, I'd like to publicly thank the Cycle Shop for assisting today at a very large bicycle safety program put on at Washington Middle School. Not only did they give their time, but they also gave away valuable prizes. We were fortunate to have one of the girls who was hit by a car recently in Jamestown actually part of the audience and she spoke about things that she did wrong. I've also met with safety village officials and I'm going to continue doing my public safety presentations. I've actually just been contacted by another entity – a private entity in the community – who's very concerned with public safety and we're going to join forces. We're going to continue. That's the way we make our community

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safer; not by relying on government agencies, but taking the bull by the horns – the public – and I’ve been amazed by people who want to get involved in promoting safety. The public safety village will be available this summer also. There’s going to be some programs even though the village is not completed yet, they’re going to do some programs because they want to reach out and help as much as possible. But again, from the private side, there are people willing to help – The Cycle Shop, other bicycle shops and another entity stepped to the plate recently and said they want to join forces with us; so we’re going to continue to help keep our young people safe. Thank you.

There being no further business, the meeting was adjourned.

James N. Olson  
Director of Financial Services/  
City Clerk