

September 28, 2009

City Council

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, September 28, 2009 at 7:30 p.m.

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

Others Present: Mayor Sam Teresi, 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, Battalion Chief William Johnston and Executive Assistant to the Mayor Matt Hanley

Council President Rabb called the meeting to order.

Rev. Jim Reed of the Bethel Baptist Church gave the invocation.

The minutes from the previous meeting of August 24, 2009 were approved.

MESSAGES FROM THE MAYOR/COUNCIL PRESIDENT

200909A00.01

CITY OF JAMESTOWN)
Mayor's Office)

To the City Council of the City of Jamestown New York

Council Members:

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

Samantha Ellis
624 East Second Street
Jamestown, New York 14701

to be re-appointed a member of the Jamestown Housing Authority in and for the City of Jamestown, New York.

September 28, 2009

The term for which said appointment is to be made will expire
September 30, 2014.

Dated: September 28, 2009

Samuel Teresi
Mayor of the City of Jamestown, New York

200909A00.02

CITY OF JAMESTOWN)
Mayor's Office)

To the City Council of the City of Jamestown New York

Council Members:

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

Camille M. Krawczyk
128 Martin Road
Jamestown, New York 14701

to be appointed a Constable in and for the City of Jamestown, New York.

The term for which said appointment is to be made will commence October 1,
2009 and expire December 31, 2011.

Dated: September 28, 2009

Samuel Teresi
Mayor of the City of Jamestown, New York

Councilman Spitalo moved to suspend the rules and vote on the above appointments.
Councilman Dolce seconded the motion.

Carried: 9 ayes, 0 nays

Councilman Dolce moved to approve the appointments.

Carried: 9 ayes, 0 nays

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200909A00.03

Mayor Teresi:

It's always a pleasure to come and address the members of the City Council throughout the course of the year, but this is one occasion that I look forward to every year at the September meeting. I think that most of you are aware that the New York Conference of Mayors and Municipal Officials, a statewide organization representing all 62 cities in New York State and 600 villages in New York State has a long standing practice to recognize the most outstanding public work force that you're going to find anywhere in this country right here in New York State; and every year they take the opportunity in every one of our municipalities to recognize with a Certificate of Achievement public employees that have served for periods of 25 years or more and in our great workforce we have numerous of our friends and neighbors and employees that have met that requirement this year and several of them that are with us here tonight.

Mr. President, I would like you to join me down here in the well with a special presentation and I would like to invite up front Fire Battalion Chief Chet Harvey, DPW mechanics Wayne Phillips and Dale Edwards and Police Officers (Traffic Officer) Tom Shea and Det. David Kohl. If you could please join us up front here.

On behalf of the New York Conference of Mayors, also the City of Jamestown, it is my pleasure to recognize all of you for your wonderful and contribution and continuing contributions to make our home, the place that we love and the City that we all serve, an even better place in which to live, work and raise a family. On behalf of my colleagues here in City government and 32,000 residents in the City of Jamestown, I would just like to say thank-you for everything that you've done and are continuing to do on behalf of our home and our community.

The certificate states: New York Conference of Mayors and Municipal Officials presents this 25 year certificate of public service to Frank Martinelli, Chester Harvey, George Schwob (Fire Department); Raymond Genco, Samuel Gullo, Wayne Phillips and Dale Edwards (Department of Public Works); James Bonfiglio, and Bruce Nelson (Parks Department); and Gregory Stolarski, Thomas Shea and David Kohl (Police Department) in recognition of 25 years of distinguished public service to your community. The New York State Conference of Mayors is pleased to honor publicly and acknowledge your dedication and commitment.

Signed by the New York State Conference of Mayors & Municipal Officials' Executive Director Peter Bayner.

Council President Greg Rabb: I appreciate the work that you do for the City of Jamestown.

OPPORTUNITIES FOR PERSONS TO ADDRESS THE COUNCIL

200909A00.04

James Slagle, 110 W. Third Street, Hotel Jamestown Building: For one thing, I talked to the Chief here this past week about that light on Cherry and Fourth. It's not working right. The red light on Main Street when it turns red, that one down on Cherry and Fourth should turn red and it don't do that. The people that want to cross there is going to get hit. It's not working right and I called the one who's taking care of it with the number you give me Chief, and he said he'd take care of it. He didn't take care of it. He didn't get out of the office. Another thing – I want to know one thing. Why is Fifth Street being looked over every year? I've been here five years now and Fifth Street is important just like any other street is. Jeff Lehman, why is Fifth Street being passed over? That's a main street into Jamestown. And I've asked Jeff several times to look at the street down on Cherry Street right in front of the hotel. Those potholes are in the middle of the road. And going up on Washington Street, why isn't Washington Street being done? There's potholes on that street. These streets are just as important as any street in this City. And I am tired of getting out and drive my car over Fifth Street. It cost me \$45.00 to get my car lined up this Spring. I don't have that kind of money. And Second Street here too – that's just as rough as a cob. Go down in Falconer – all they do is patch it – that's their favorite thing now in this town – they want to patch up the streets. I'm sorry I'm mad but I'm tired of running my car over these rough streets and I'm not going to keep doing it. If I break the wheel or something – the City's going to pay for it – I mean it. I know I've only got five minutes here – it takes five minutes to walk up to this microphone. I think the time should be a little longer than five minutes, don't you think President?

President Rabb: Well, you're limited to five minutes to speak – we don't count the time walking up.

Mr. Slagle: I'll just say one thing. The Police Department in this town is doing a fantastic job like you always do Chief. You've got a good bunch of men on the force. I want to know one thing. Now they say the bridge ain't going to be done until February. That's cold weather and don't you think you should close the bridge up or start making preparations to head the traffic somewhere else? Not all at once. I'm sorry council members – I've just had enough of it. Alright. Sixth Street should have been all done last year instead of do one-half one year and do half another year. That's why you don't do it that way. I heard one time "well Fifth Street's going to be done." You got any idea Jeff?

Mr. Lehman: Yes. The State signed the contract last week and the contractor's scheduled to be in Thursday or Friday this week to start Fifth, Sixth and Steele Street for milling and overlay so work should begin and be completed the next three weeks probably.

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Mr. Slagle: Who takes care of Washington Street?

Mr. Lehman: Washington Street is a state road, as is Second Street so we only do patching on it. They take care of the milling, the paving, the reconstruction.

Mr. Slagle: There's a big pothole right in the middle of Washington Street as you go down the hill – there's a big pothole right there and I have to wheel around – if I don't, my wheel's going to hit it and the same with these manhole covers. They should be even with the pavement.

Mr. Lehman: We'll take a look at that in the morning.

Mr. Slagle: And the lights in the Cherry Street parking ramp – this is my last thing – the lights in the parking ramp is not being fixed. I've mentioned it to the Manager up there, I mentioned it to the maintenance man – “oh we'll get to it.” Them lights have never been working right since that ramp's been built. It's got to be done. Thank you very much.

REPORTS OF THE STANDING COMMITTEES

FINANCE COMMITTEE

200909A01

BY 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 \$6,558,807.55 in accordance with the period ending September 28, 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 \$4,640,584.81, investments in the total amount of \$350,000.00 and payrolls in the total amount of \$1,568,222.74, 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: 9 ayes, 0 nays

200909A02

BY COUNCILMAN DOLCE:

RESOLVED, That warrants be drawn and paid to the respective owners and paying agents the sum of four thousand six hundred fifteen dollars (\$4,615.00) in accordance with the bond and note requirements as follows:

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Public Improvement Bonds, issue of October 15, 1991, four thousand six hundred fifteen dollars (\$4,615.00) for six months interest at 7.00% per annum on one hundred thirty thousand dollars (\$130,000).

Carried: 9 ayes, 0 nays

200909A03

BY COUNCILMAN DOLCE:

RESOLVED, That warrants be drawn and paid to the respective owners and paying agents the sum of three hundred ninety-five thousand four hundred three dollars and thirteen cents (\$395,403.13) in accordance with the bond and note requirements as follows:

Public Improvement Bonds, Series A, issue of March 9, 2006, three hundred sixty thousand dollars (\$360,000) principal and thirty-five thousand four hundred three dollars and thirteen cents (\$35,403.13) for six months interest at 4.50% per annum on one million seven hundred thousand dollars (\$1,700,000).

Note: Refunding of 1994A and 1999B (partial) issues. Interest savings \$10,723.12 for this payment.

Mr. Dolce: These three here in a row are basically just paying bills. We're paying our debt that we have in regular time. Some of these go back well into the last decade and so it's just a regular payment of these bonds as they come due.

Carried: 9 ayes, 0 nays

200909A04

BY COUNCILMAN DOLCE:

RESOLVED, That warrants be drawn and paid to the respective owners and paying agents the sum of one hundred fifty-three thousand, nine hundred thirty-seven dollars and fifty cents (\$153,937.50) in accordance with the bond requirements as follows:

Public Improvement Bonds, Series B, issue of September 15, 1999, one hundred fifty thousand dollars (\$150,000.00) principal and three thousand nine hundred thirty-seven dollars and fifty cents (\$3,937.50) for six months interest at 5.25% per annum on one hundred fifty thousand dollars (\$150,000.00).

Note: this is the final payment on this issue.

Carried: 9 ayes, 0 nays

200909A05

BY COUNCILMAN DOLCE:

RESOLVED, That the Mayor be, and he hereby is, authorized to enter into an agreement with Schichtel's Nursery of Orchard Park, New York, in the amount of \$5,973.00 for the purchase of nursery stock; with Concord Nurseries of North Collins, New York, in the amount of \$2,569.00 for the purchase of nursery stock; with Russell's Tree and Shrub Farm, East Amherst, New York in the amount of \$6,996.00; and with Jon Deere Landscapes of Buffalo, New York and Erie, Pennsylvania, in the amount of \$1,775.00 for the purchase of nursery stock.

Mr. Dolce: This again, is our yearly purchase of the trees that we will be planting this Fall and into next Spring for the City of Jamestown. There have been questions why these are from not in the area; these are on State bid and they are large nurseries and they were awarded the bid because of their size and the local nurseries do not participate in that. I've had questions as to why we go outside for that and that's the reason why – they're on a bid. Thank you.

Carried: 9 ayes, 0 nays

200909A06

BY COUNCILMAN DOLCE:

RESOLVED, That the Mayor of the City of Jamestown be, and he hereby is, authorized to enter into a grant agreement with the Chautauqua Region Community Foundation in an amount not to exceed \$1,099.26 for the purpose of funding the Consulting Services Project through the Strategic Planning and Partnership Commission subject to the approval of the Corporation Counsel as to form.

Carried: 9 ayes, 0 nays

200909A07

BY COUNCILMAN DOLCE:

RESOLVED, That the Mayor of the City of Jamestown be, and he hereby is, authorized to enter into a grant agreement with the Chautauqua Region Community Foundation in an amount not to exceed \$518.90 for the purpose of funding the Consulting Services Project through the Strategic Planning and Partnership Commission subject to the approval of the Corporation Counsel as to form.

Carried: 9 ayes, 0 nays

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200909A08

BY COUNCILMAN DOLCE:

RESOLVED, That the Mayor of the City of Jamestown be, and he hereby is, authorized to enter into a grant agreement with the Chautauqua Region Community Foundation in an amount not to exceed \$6,250 for the purpose of funding Tree Planting Program for the Parks, Recreation and Conservation Department subject to the approval of the Corporation Counsel as to form.

Mr. Dolce: I just want to add, I think this is the second year they've done this, or has it been more than that? It's been a couple of years where we've partnered with them. Last year, the project was along Main Street, and again, our thanks to the Community Foundation for their participation in this project to help us with tree plantings in the City and paying for that.

Carried: 9 ayes, 0 nays

200909A09

BY COUNCILMAN DeJOY:

RESOLVED, That the Mayor of the City of Jamestown be, and he hereby is, authorized to enter into a agreement with the State of New York Unified Court System, Eighth Judicial District for Court Cleaning and Minor Repairs, (contract #C300227) and the Annual Renewal Letter and Budget up to the amount of \$25,963.00 of the Jamestown City Court facilities for the April 1, 2009 to March 31, 2010 time period subject to the approval of the Corporation Counsel as to form.

Carried: 9 ayes, 0 nays

200909A10

BY COUNCILMAN DeJOY:

RESOLVED, effective July 1, 2009, the rate for Court Security Officers will be Sixteen Dollars and eighty-three cents (\$16.83) per hour. The rate for Court Security Supervisors will be Twenty-one Dollars and one cent (\$21.01) per hour. This pay adjustment is contingent upon full reimbursement to the City of Jamestown from the New York State Office of Court Administration for the full amount of the pay adjustment. Should the New York State Office of Court Administration fail to fully reimburse the City of Jamestown for the amount of the pay adjustment, the pay rates will revert back to the rate in effect before July 1, 2009.

Carried: 9 ayes, 0 nays

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200909A11

BY COUNCILMAN DeJOY:

RESOLVED, That Lieutenant Tim Glenn and Lieutenant David Kohl be and they hereby are authorized to attend the New York State Electrical Fire Investigation Course to be held in Montour Falls, New York on October 5, 2009, with expenses paid pursuant to Section 77-b of the General Municipal Law.

Carried: 9 ayes, 0 nays

200909A12

BY COUNCILMAN DeJOY:

RESOLVED, That Lieutenant Andrew Finson be, and he hereby is, authorized to attend the Level Two Fire Investigation Certification class to be held in Montour Falls, New York on September 21 – October 2, 2009, with expenses paid pursuant to Section 77-b of the General Municipal Law.

Carried: 9 ayes, 0 nays

200909A13

BY COUNCILMAN DeJOY:

RESOLVED, that Officer Scott Franzen be, and hereby is, authorized to attend the 2009 K-9 Re-Certification Training to be held in Cooperstown, NY from October 5th through October 9, 2009, with expenses paid pursuant to the State of New York DCJS Operation Impact VI grant.

Carried: 9 ayes, 0 nays

200909A14

BY COUNCILMAN DeJOY:

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

No: 16 of 2009	Dawn Jones and Mike Wilson - \$267.96
	PO Box 240
	Celoron, New York 14720

Carried: 9 ayes, 0 nays

PUBLIC WORKS

200909A15

BY COUNCILMAN SPITALE:

RESOLVED, that the Mayor be, and he hereby is, authorized to execute Change Order #3 to the *SPRING STREET PARKING RAMP REPAIRS* contract with CPS Construction Group, Inc., 400 Penn Center Boulevard, Pittsburgh, PA 15235 (authorized by Resolution 200903A21), to include changes as follows:

Deduct adjusted top partial slab repair	\$ (5,020.00)
Deduct under slab repairs	(23,125.00)
Deduct beam repairs	(1,050.00)
Deduct for coating removal at perimeter	(4,805.00)
Deduct for rebar coating on existing rebar at perimeter	(3,500.00)
Add full depth repairs	91,860.00
Add partial depth repairs	4,200.00
Add retaining wall bracing	7,400.00
Add "Z" bar installation	1,350.00
Add rebar couplers at drain	215.00
Add rebar extensions (3,600 lbs)	6,600.00
Add expose electrical conduit	1,300.00
Add repair existing membrane on roof	750.00
Add on- grade flat work & 3 islands	32,000.00
Add repair wide joints	11,400.00
Add unforeseen crack repair	14,600.00

for a total increase of One Hundred Thirty-four Thousand One Hundred Seventy-five Dollars (\$134,175.00).

Carried: 9 ayes, 0 nays

NEW BUSINESS

200909A16

BY COUNCILMAN DeJOY:

RESOLVED, that the Mayor be, and he hereby is, authorized to execute Change Order #4 to the *SPRING STREET PARKING RAMP REPAIRS* contract with CPS Construction Group, Inc., 400 Penn Center Boulevard, Pittsburgh, PA 15235 (authorized by Resolution 200903A21), to include changes as follows:

ADD Emergency Beam Repairs

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for a total increase of Three Hundred Fifty-six Thousand Nine Hundred Fifty Dollars (\$356,950.00).

Mr. DeJoy: Mr. President, these are emergency repairs that were found by our engineers resulting from a flaw in design and construction back from 1973. We are not going to be incurring any additional debt with this change order, as large as it is, and basically we will be using resources such as contingencies that were built within the project and other projects.

Carried: 9 ayes, 0 nays

Mr. Taylor: I just had a few things to say Mr. President. For one, I would just like to give a heartfelt condolence to former Councilman McElrath for the loss of Mrs. McElrath recently. He is a dear friend to all of us and I know our prayers and hopes are certainly with him as well as Dr. Ney. I know how hard this must be for them, but just keep them all in thought and prayer. I've been thinking about him a lot especially, even as we discussed change orders and things like that; I sometimes look down....just thoughts for the McElrath family.

The other comment that I wanted to make is I personally, on behalf of a lot of people, I speak to are very glad with a lot of the road work that is being done in the City of Jamestown. I mean, granted, there are all types of streets torn up and people said it's like Beirut driving through Jamestown, New York, but that being said, the work is getting done. A lot of the work has been long overdue and thanks to everyone involved who were able to secure the funding and the means and the resources in order to get it done.

The other thing I wanted to comment on is along with complaints that we get from the community in regards to road work, I think it would be a good idea if maybe if the press, and I know they've done it in the past, but they could actually maybe run a piece on the Public Works and the process of why things happen so people understand that it's just not a matter of digging up the road one day and filling it in the next day and it's all done. To go through the process of when you have to dig up the road and the engineers and the people that have to secure to make sure that it's safe for construction and things like that. So, I think that later on, just to keep in mind so the community understands what really goes into a lot of that work. That being said, I know you have a lot of concerns and as always, we're certainly going to work to address those and we hope to work with you, work with the rest of the community. Thank you Mr. President.

There being no further business, the meeting was adjourned.

James N. Olson
Director of Financial Services/
City Clerk