

October 26, 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, October 26, 2009 at 7:30 p.m.

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

Members Absent: Michael Taylor and Maria Jones

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, Deputy Chief Lance Hedlund and Executive Assistant to the Mayor Matt Hanley

Council President Rabb called the meeting to order.

Michelle Buhite of the Unitarian Universalist Church gave the invocation.

The minutes from the previous meeting of September 28th, 2009 were approved.

**MESSAGES FROM THE MAYOR**

200910A00.01

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:

Wayne C. Young  
401 Arlington Avenue  
Jamestown, NY 14701

to be re-appointed a member of the Board of Assessment Review in and for the City of Jamestown, New York.

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

Dated: October 26, 2009

Samuel Teresi  
Mayor of the City of Jamestown, New York

Councilman Dolce moved to suspend the rules and vote on the above appointment.

Carried: 7 ayes, 0 nays

Councilman Spitale moved to approve the appointment.

Carried: 7 ayes, 0 nays

**OPPORTUNITIES FOR PERSONS TO ADDRESS THE COUNCIL**

200910A00.02

James Slagle, 110 W. Third Street, Hotel Jamestown Building: I want to commend the Fire Chief and his men for putting out the fire we had up on 705 this past week and I want to thank the Chief and his men for the good job they did. Captain Barry Swanson – they were all there to help us get out of the building safe. I do appreciate that we have the wonderful people like you and Mayor, as always, you're doing a fantastic job. If you didn't, I'd let you know about it. But what I want to get at, some of our streets in the City of Jamestown need a little more work done on them before winter like Third Street here. I know there's a lot of potholes going down Third Street here need to be looked at before winter. What are we going to do about Second Street? Is there any hope for that this year or next year or anything? Is there Jeff?

Mr. Lehman, Public Works Director: Second Street is a state arterial and we have requested that the State do some work on that. At this point, there's nothing planned but it's potentially a project for next year.

Mr. Slagle: Okay. Thank you Jeff. One more thing – the light on Cherry and Fourth down by our ramp is not working right. They had men up there today. It used to work real good when Main Street went red, so did the one down on Cherry and Fourth Street. Now what it's doing – it's staying green for a long, long time and we press the button several times and it will not go. I talked to the one who's in charge of it – the Chief gave me his number – and he said that he'd been up there and looked at it and he said this cold weather is causing it, so I don't know any more you can do with it, but that street, we do a lot of walking. We go up and get our cars and it's not just us, somebody's going to get hurt on that street. And another thing Chief, they're speeding down Fourth

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Street very bad – it’s getting out of control. You might be walking across and if that light changes just right, they will try to hit you and that’s happened to me several times. When you tell them to slow down the just give you the finger and I don’t want to see anybody killed on that street because we have to walk up and get into our vehicles. And I want to thank Jeff. We’re getting the streets paved in the City of Jamestown – the Fifth Street and Sixth Street – that looks fantastic. I rode up it several times. It’s music to my ears when I don’t hear no bumps or bruises you know or anything like that. It just takes time to get our City and streets back the way they used to be. I know you’re all working Jeff hard to keep the City going and the Mayor and the Police Chief and the Fire Chief and the councilmen. I just want to compliment all you guys up there and women, that you’re doing a fantastic job for our town so keep the good work up and I thank you very much.

**REPORTS OF THE STANDING COMMITTEES**

**FINANCE COMMITTEE**

200910A01

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 \$9,693,184.23 in accordance with the period ending October 26, 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 \$7,670,708.58, investments in the total amount of \$900,000.00 and payrolls in the total amount of \$1,122,475.65, 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: 7 ayes, 0 nays

200910A02

BY COUNCILMAN DOLCE:

RESOLVED, That the Mayor be, and he hereby is, authorized to enter into an agreement with the Jamestown Public School System, 197 Martin Road, Jamestown, New York 14701 for a paid intern in the Department of Youth Services through the Jamestown High School's Youth Apprenticeship Program with expenses paid through the 21st Community Learning Grant.

Carried: 7 ayes, 0 nays

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200910A03

BY COUNCILMAN DOLCE:

RESOLVED, that Mayor Samuel Teresi, and Police Chief Rexford H. Rater be, and they hereby are, authorized to enter into an agreement with the City of Jamestown School District for providing one (1) School Resource Officer in the Jamestown Public Schools for a term of one (1) year beginning September 1, 2009 and ending August 31, 2010, subject to the approval of the Corporation Counsel as to form.

Carried: 7 ayes, 0 nays

200910A04

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 Ralph C. Sheldon Foundation in an amount not to exceed \$2,500 for the purpose of funding the facilitation services of Robert Shibley for the Strategic Planning and Partnership Commission subject to the approval of the Corporation Counsel as to form.

Carried: 7 ayes, 0 nays

200910A05

BY COUNCILMAN DOLCE:

RESOLVED that Mayor of the City of Jamestown is hereby authorized and directed to enter into a purchase agreement with Doan Chevrolet, 4477 Ridge Road West, Rochester, NY 14626 for one (1) 2010, Chevrolet Impala LS 4 Door Sedan for the Jamestown Fire Department in the amount of \$16,650 in accordance with New York State OGS Contract Number PC62760.

Mr. Dolce: Just a comment on this replacement for a vehicle that's approximately 11 years old and in very bad shape and this is being paid for through our contingency fund for 2009.

Carried: 7 ayes, 0 nays

200910A06

BY COUNCILMAN DeJOY:

RESOLVED that Mayor of the City Of Jamestown is hereby authorized and directed to enter into a purchase agreement with Hoselton Auto Mall, 909 Fairport Road, East Rochester, NY 14445 for one (1) 2010, Chevrolet Impala for the Jamestown Police Department in the amount of \$22,563.

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Note: Insurance proceeds from the August 29, 2009 accident involving two (2) vehicles will be used to purchase the vehicle.

Carried: 7 ayes, 0 nays

200910A07

BY COUNCILMAN DeJOY:

WHEREAS, funding has become available through the New York State Department of State's *Local Waterfront Revitalization Program Environmental Protection Fund*, a grant program by which the state encourages municipalities to plan for the future of their waterfronts, stimulate downtown revitalization, and undertake improvement projects that will support the implementation of their plans; and

WHEREAS, the New York State Department of State has solicited grant applications under Title 11 for the completion or implementation of a Local or Regional Waterfront Revitalization Program located on New York State designated inland waterways; and

WHEREAS, it is the desire of the City of Jamestown and a group of community partners to construct and maintain a bicycle and pedestrian, multi-use trail through Chadakoin Park to encourage the future use and improvement of the Chadakoin Riverfront and the Chautauqua Lake outlet basin; and

WHEREAS, said local waterfront revitalization is a key component of the City of Jamestown's Local Waterfront Revitalization Plan (LWRP) and the City of Jamestown Urban Design Plan adopted in December 2006; now therefore be it

RESOLVED, that the City Council of Jamestown, New York is fully committed to and supportive of the application to the *Local Waterfront Revitalization Program Environmental Protection Fund* for Two Hundred Sixty-Two Thousand Five Hundred Eighty One and 00/100 Dollars, (\$262,581.00), in state assistance to complete the "Chadakoin River Trail" through Chadakoin Park.

Carried: 7 ayes, 0 nays

200910A08

BY COUNCILMAN DeJOY:

WHEREAS, Chapter 204 of the Code of the City of Jamestown provides that it shall be unlawful for any person within the corporate limits of the City of Jamestown to act as a hawker, peddler, solicitor or transient retail business without first having obtained and paid for and having in force and effect a valid, current license therefor, and

WHEREAS, Section 204-2(C) of the Code of the City of Jamestown provides that the Jamestown City Council may grant exemptions from the provisions of Chapter 204 of the Code of the City of Jamestown for special events or occasions, and

WHEREAS, the special event known as the AAUW What's New Fair is presently scheduled to take place on November 14 – 15, 2009, and

WHEREAS, the organizers of the AAUW What's New Fair have heretofore requested exemption from the provisions of Chapter 204 of the Code of the City of

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Jamestown for November 14 – 15, 2009 so as to enable up to sixty (60) transient retail businesses to vend their product during the AAUW What's New Fair activities, now, therefore, be it

RESOLVED, by the City Council of the City of Jamestown that an exemption be and the same hereby is granted to the organizers of the AAUW What's New Fair to have up to sixty (60) hawkers, peddlers or transient retail businesses at the Jamestown Community College for the period November 14 – 15, 2009, without need of obtaining the license required by the provisions of Chapter 204 of the Code of the City of Jamestown, provided however, that the permission herein granted shall apply only to those hawkers, peddlers or transient retail businesses authorized by the organizers of the AAUW What's New Fair, which hawkers, peddlers and transient retail businesses shall total no more than sixty (60) in number and further provided that such hawkers, peddlers and transient retail businesses shall in no way be entitled to obstruct, impair or impede pedestrian traffic on the sidewalks of the City of Jamestown nor in any way obstruct, impair or impede the travel of emergency vehicles upon the public streets of the City of Jamestown, and further provided that such hawkers, peddlers and transient retail businesses shall in all respects accede to the directives of the Deputy Fire Chief and Chief of Police of the City of Jamestown or their designated representatives with respect to the location of any vehicle, trailers or other installations associated with such hawkers, peddlers or transient retail businesses, and be it further

RESOLVED, That the City Clerk be, and he hereby is, authorized and directed to transmit certified copies of this resolution to the American Association of University Women (organizers of the AAUW What's New Fair), the Deputy Fire Chief, the Chief of Police and the Corporation Counsel.

Carried: 7 ayes, 0 nays

200910A09

BY COUNCILMAN DeJOY:

RESOLVED, That the City Comptroller be, and he hereby is, authorized to make the following amendments to the 2009 General Fund Budget for the reinforcement of structural beams in the Spring Street Parking Ramp, \$75,000 and the purchase of a vehicle in the Fire Department, \$16,650:

INCREASE:	Appropriations	\$75,000.00
	Capital – Spring Street Ramp	
	A.9551.0500	
INCREASE:	Appropriations	\$16,650.00
	Fire Department Vehicles	
	A.3410.203	
DECREASE:	Appropriations	\$91,650.00
	Contingency	
	A.1990.0400	

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Mr. Dolce: This will still leave us with approximately \$100,000.00 left in our contingency so even after paying for these unexpected events, we still are in pretty good shape for 2009 for the rest of the year.

Carried: 7 ayes, 0 nays

**PUBLIC WORKS**

200910A10

BY COUNCILMAN WHITFORD:

RESOLVED, that the Mayor be, and he hereby is, authorized to execute Change Order #1 to the City Hall Elevator Asbestos Abatement contract with EPIC CONTRACTING, INC. , 3576 South Benzing Road, Orchard Park, NY 14127 (authorized by Resolution 200904A10), to include changes as follows:

Apply spray-on fireproofing material to the structural steel in the elevator shaft as per NYS Building Code. This material will replace the asbestos containing material which was removed.

This will be a total increase of Twenty-eight Thousand Three Hundred Dollars (\$28,300.00).

Carried: 7 ayes, 0 nays

**PUBLIC SAFETY**

200910A11

BY COUNCILMAN SZWEJBKA:

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

Section 1. Section 290.52 of the Code of the City of Jamestown is hereby amended as follows:

No person, firm or corporation shall drive or operate or cause to be driven or operated any excluded truck into, upon, along or through the streets of the City in violation of the provisions of this article unless they have first obtained a Special Hauling Permit for Over Dimensional and Overweight Vehicles from the Director of Public Works and paid the applicable fees in accordance with Chapter 175 3 B, Licenses and Permits.

Section 2. This ordinance amendment shall be effective immediately upon adoption.

Carried: 7 ayes, 0 nays

200910A12

BY COUNCILMAN SZWEJBKA:

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

Section 1. Section 175-3.B. of the Code of the City of Jamestown is hereby amended for the listed classifications and fees as follows:

Special Hauling Permit for Over Dimensional and Overweight Vehicles

Over Dimensional

- One Trip, One Route \$ 25.00
- One Year, All City Roads ( multiple trips) \$200.00

Overweight

- One Trip, One Route \$10.00\*
- One Year, One Route (multiple trips) \$250.00\*
- One Year Designated Routes (multiple trips) \$250.00\*\*

\* Plus a \$50.00 Engineering Load Analysis per Structure

\*\* See attached listing of Designated Routes per §290-53 of the Jamestown City Code

Section 2. This ordinance amendment shall be effective immediately.

Carried: 7 ayes, 0 nays

200910A13

BY COUNCILMAN SZWEJBKA:

RESOLVED, That the Board of Public Utilities be, and it hereby is, requested to install a new 150 watt high pressure sodium street light at the following location:

BPU 37175 Summit Avenue

Carried: 7 ayes, 0 nays

**COMMENTS FROM COUNCIL MEMBERS**

Mr. Dolce: Most of the people that were upstairs for the budget hearings – next week we will not be meeting and on the 9<sup>th</sup> of November we will be reviewing the budgets of

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Police, Fire and the three agencies and after that there will be a public hearing and Council amendments will follow if there are to be any changes to the Executive Budget so I just wanted to make that clear that we're in the process of the budget and we're going to work as best we can to do what we can with it and make some hard decisions.

Council President Rabb:       And that meeting is Monday, November 9<sup>th</sup> starting at 6:30.

There being no further business, the meeting was adjourned.

James N. Olson  
Director of Financial Services/  
City Clerk