

March 29, 2010

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, March 29, 2010 at 7:30 p.m.

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

Members Absent: Councilman Michael Taylor

Others Present: Director of Financial Services/City Clerk James N. Olson, Corporation Counsel Marilyn Fiore-Nieves, Director of Public Works Jeff Lehman, Director of Development Steve Centi, Battalion Chief William Johnston and Captain Barry Swanson

Council President Rabb called the meeting to order.

Councilwoman Maria Jones gave the invocation.

The minutes of the February 22, 2010 meeting were approved.

**MESSAGES FROM THE MAYOR**

201003B00.01

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:

Loren Warner  
360 Delaware Avenue  
Jamestown, New York 14701

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to be re-appointed an adult member of the Youth Services Board of Directors in and for the City of Jamestown, New York.

The term for which said appointment is to be made will expire December 31, 2011.

Dated: March 29, 2010

Samuel Teresi  
Mayor of the City of Jamestown, New York

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

Carried: 8 ayes, 0 nays

Councilman Szwejbka moved to approve the reappointment.

Carried: 8 ayes, 0 nays

**OPPORTUNITIES FOR PERSONS TO ADDRESS THE COUNCIL**

201003B00.02

James Slagle, 110 W. Third Street, Hotel Jamestown: I just want to say a few things on behalf of Rex Rater. He was a good police officer, a good chief and he's going to be missed and I hope he has a good time in his retirement. Another thing, I brought this issue up several times about these manholes. I mean these manhole covers are getting worse. Every other hole is a manhole cover. Those need to be raised up level with the street because you can bust a wheel or bust a tire even at 30 m.p.h. you could puncture your tire on the manhole covers and I've mentioned this several times. What do you think about it Jeff – are you in charge of that department?

Mr. Lehman: Yes I am.

Mr. Slagle: Well you've got to do something about them manhole covers because they're getting worse. On Foote Avenue coming up from Warren, Pennsylvania, there's four or five manholes right in a row there – right in the middle of the road. You've got to play dodge car to miss them. If a police officer saw you he'd pull you over being drunk. I'll tell you right now, if I bust a wheel, somebody's going to get the bill. Again, I want to commend the police department that they're doing a fantastic job out there. I've got a scanner at home and they're doing their job and that's what we like to do is keep the public safe. Thank you very much.

201003B00.03

Jeff McCool, 161 Newton Avenue – Tony's my councilman: Members of the City Council, City of Jamestown – I'm here speaking for like-minded citizens who share the same

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aspirations of doing whatever we can do legally and peacefully to recover our constitutional freedoms and God-given rights as U.S. citizens and members of this community and surrounding area. Each one of us act as a representative to hold all elected officials accountable to the people of this great country and to inform every citizen of his or her individual rights and responsibilities. On this point, to inform our fellow citizens of the actions taken in Washington and in Albany, to do this we wish to again on April 15<sup>th</sup> hold a Tax Rally at Tracy Plaza. Only this time, as I understand it, you are requiring a fee to freely assemble on public property. You are requiring us to have an insurance waiver of the amount I'm not really clear on – alright? I understand that this would be a serious cost for us and not for a whole day, but only for a few hours. What I'm asking is this: do I understand this correctly and if I do not, please correct me in writing. If I am correct in my understanding, please point out the rules that show this to be true and who is in charge of making such arrangements? I am asking this because you have never asked this of us before. We have been and will always be peaceful, orderly and we have and will continue to show respect by cleaning up after ourselves. We place no burden on the City, this community or our property, for all of our rallies and protests are held in the spirit of the great American, the late Dr. King. I am sure that we can work this out for the right of free assembly is a fundamental right not borne of private property but borne on community property for we assemble as a community. I thank you for your time and await your answer.

**STANDING COMMITTEES**

**FINANCE**

201003B01

BY COUNCILMAN DeJOY:

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 \$4,630,453.36 in accordance with the period ending March 26, 2010, 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 \$3,100,357.79, and payrolls in the total amount of \$1,530,095.57, 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

201003B02

BY COUNCILMAN DeJOY:

RESOLVED, That warrants be drawn and paid to the respective owners and paying agents the sum of twenty-seven thousand three hundred three dollars and thirteen cents (\$27,303.13) in accordance with the bond and note requirements as follows:

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**Public Improvement Bonds, Series A**, issue of March 9, 2006, twenty-seven thousand three hundred three dollars and thirteen cents (\$27,303.13) for six months interest at 4.50% per annum on one million three hundred forty thousand dollars (\$1,340,000).

Note: Refunding of 1994A (partial) issue. Interest savings \$8,673.12 for this payment.

Carried: 8 ayes, 0 nays

201003B03

BY COUNCILMAN DeJOY:

RESOLVED, That warrants be drawn and paid to the respective owners and paying agents the sum of thirty-nine thousand six hundred fifteen dollars (\$39,615.00) in accordance with the bond and note requirements as follows:

**Public Improvement Bonds**, issue of October 15, 1991, thirty-nine thousand six hundred fifteen dollars (\$39,615.00) principal and four thousand six hundred fifteen dollars (\$4,615.00) for six months interest at 7.10% per annum on one hundred thirty thousand dollars (\$130,000).

Carried: 8 ayes, 0 nays

201003B04

BY COUNCILMAN DeJOY:

WHEREAS the City of Jamestown is the owner of the Fenton Mansion, located at 67 Washington St., Jamestown, N.Y. and

WHEREAS Samuel Teresi, Mayor of the City of Jamestown, represents the interests of the City of Jamestown, now therefore be it

RESOLVED, that the Executive Director of the Fenton Historical Society of Jamestown, NY (dba, The Fenton History Center) be, and she is, hereby authorized to complete the designated project for the City of Jamestown owned Fenton Mansion outlined in the New York State Office of Parks, Recreation and Historic Preservation's grant #EPF 08001 for the grant period of May 15, 2009 to May 15, 2014 in the amount of \$81,060.

Carried: 8 ayes, 0 nays

201003B05

BY COUNCILMAN DeJOY:

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 two hundred dollars (\$200.00) for the purpose of using the Allen Park Ice Rink on May 8, 2010 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.

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- 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 9, 2010.

Carried: 8 ayes, 0 nays

201003B06

BY COUNCILMAN DeJOY:

RESOLVED, that the Mayor of the City of Jamestown be, and he hereby is, authorized to accept a 2009 Assistance to Firefighters Grant in the amount of Ninety Five Thousand, Sixty Five dollars (\$95,065.00).

Note: The award is to replace and upgrade turnout gear while providing Fire Department personnel the protection required by NFPA 1851 and changes in personnel safety mandated by the New York State Department of Labor (NYS DOL) regarding self rescue "Bailout Systems".

The City of Jamestown's share of this grant award is ten thousand, five hundred sixty three dollars (\$10,563). The total grant award amounts to One Hundred Five Thousand, Six Hundred Twenty Eight Dollars (\$105,628).

Carried: 8 ayes, 0 nays

201003B07

BY COUNCILMAN DOLCE:

RESOLVED, That the City Comptroller be, and he hereby is, authorized to make the following amendment to the 2010 General Fund Budget for the purpose of appropriating the City of Jamestown's share of the 2009 Assistance to Firefighters Grant as follows:

INCREASE:	Appropriations	\$10,563.00
	Fire Department Equipment	
	A.3410.0200	
DECREASE:	Appropriations	\$10,563.00
	Contingency Account	
	A.1990.0400	

Note: The Federal share of this grant is \$95,065.00

Carried: 8 ayes, 0 nays

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201003B08

BY COUNCILMAN DOLCE:

RESOLVED, That Lieutenant Andrew Finson be, and he hereby is, authorized to attend the Electrical Fire Cause Determination I & II Class to be held in Montour Falls, New York on June 21-25, 2010, with expenses paid pursuant to Section 77-b of the General Municipal Law.

Carried: 8 ayes, 0 nays

201003B09

BY COUNCILMAN DOLCE:

RESOLVED, That Lieutenant Tim Glenn be, and he hereby is, authorized to attend the Fire/Arson Investigation Specialty-Fire Investigative Photography Course to be held in Montour Falls, New York on July 26-29, 2010, with expenses paid pursuant to Section 77-b of the General Municipal Law.

Carried: 8 ayes, 0 nays

201003B10

BY COUNCILMAN DOLCE:

RESOLVED, That Lieutenant Philip Hanlon be, and he hereby is, authorized to attend the Juvenile Firesetter Intervention Program Seminar and Juvenile Firesetter Intervention Specialist II Course to be held in Montour Falls, New York on May 17-21, 2010, with expenses paid pursuant to Section 77-b of the General Municipal Law.

Carried: 8 ayes, 0 nays

201003B11

BY COUNCILMAN DOLCE:

WHEREAS, the Jamestown City Council, by separate resolution, has heretofore determined the fair market value of city-owned real property identified as Parcel Number 387.48-1-38 located on Steele Street adjacent to the former Evans Skateland Property to be Twenty-Five Thousand dollars (\$25,000.00), and

WHEREAS, a copy of the map of the above-described real property is annexed hereto and made a part hereof, and

WHEREAS, the City of Jamestown desires to transfer and convey by private sale pursuant to the provisions of Section C-29 B of the Charter of the City of Jamestown the above-described real property to James P. Sirianno d/b/a JP Diamond Company, P.O. Box 299, Falconer, New York 14733 for the sum of Twenty-Five Thousand Dollars (\$25,000.00), and

WHEREAS, notice of the intended conveyance by the City of Jamestown to James P. Sirianno was heretofore published in The Post-Journal at least ten (10) days prior to the passage of this resolution pursuant to the provision of Section C-29.B of the Charter of the City of Jamestown, now therefore be it

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RESOLVED, that the Mayor of the City of Jamestown be, and he hereby is, authorized to execute a quit claim deed conveying parcel number 387.48-1-38 to James P. Sirianno for the amount of Twenty-Five Thousand Dollars (\$25,000.00).

Carried: 8 ayes, 0 nays

201003B12

BY COUNCILMAN DOLCE:

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 Department of Public Works 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 authorizing the filling of the following position due to the essential nature of the position.

- One (1) Laborer in the Department of Public Works (funded in the 2010 General Fund Budget).

Carried: 8 ayes, 0 nays

**PUBLIC WORKS**

201003B13

RESOLVED, that Jeffrey Lehman, P.E., Director of Public Works and Acting Director of Parks, Recreation & Conservation, is hereby authorized and directed to purchase through Chautauqua County bid prices one (1) new 2011 Ford F-250 XL Crew Cab pickup truck from Ed Shults Ford, 2273 Washington Street, Jamestown, NY 14701 for an amount not to exceed Twenty-seven Thousand Six Hundred Thirty-five Dollars (\$27,635.00) per Chautauqua County bid E24-09 PFTH for use in the Parks, Recreation & Conservation Department.

Carried: 8 ayes, 0 nays

201003B14

BY COUNCILMAN SPITALE:

RESOLVED, That the bid submitted by Jamestown Roofing, Inc., 119 Clifton Avenue, Jamestown, NY, 14701, for Russell E. Diethrick, Jr. Park Roof Replacement, based on the bid

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opened March 15, 2010, in the bid amount of Forty-two Thousand Three Hundred Dollars (\$42,300.00), be and the same hereby is accepted, this being the lowest of four bids received, and be it further

RESOLVED, That the Mayor be, and he hereby is, authorized to execute an agreement with Jamestown Roofing, Inc., 119 Clifton Avenue, Jamestown, NY 14701, which agreement will reflect the services to be performed by Jamestown Roofing, Inc., at the price referred to above, said agreement to be subject to approval as to form by the office of the Corporation Counsel.

Councilman Spitale: This is way below the original estimate so we saved ourselves probably \$20,000 or more on this. Local people are doing the work so I'm happy with that.

Carried: 8 ayes, 0 nays

201003B15

BY COUNCILMAN WHITFORD:

RESOLVED, that Jeffrey Lehman, P.E., Director of Public Works, is hereby authorized and directed to purchase one new 2008 Case 650K Case Bulldozer from Monroe Tractor, 5035 Genesee Street, Buffalo, NY, 14202 for an amount not to exceed Sixty-two Thousand, Three Hundred Fifty-five Dollars (\$62,355.00) per its bid opened March 15, 2010, this being the one bid of three received meeting most of our specifications.

Carried: 8 ayes, 0 nays

201003B16

BY COUNCILMAN WHITFORD:

RESOLVED that Jeffrey Lehman, P.E., Director of Public Works, is hereby authorized and directed to purchase through Chautauqua County bid prices one (1) new 2010 Chevrolet Colorado crew cab pickup truck from Ed Shults Chevy, 300 Fluvanna Avenue, Jamestown, NY 14701 for the amount of Twenty-two Thousand Two Hundred Four Dollars (\$22,204.00) plus Option #2, a tow package, in the amount of Four Hundred Seventy Dollars (\$470.00) for a total amount not to exceed Twenty-two Thousand Six Hundred Seventy-four Dollars (\$22,674.00) per Chautauqua County bid E19-09 PFTH for use in the Department of Public Works.

Carried: 8 ayes, 0 nays

201003B17

BY COUNCILWOMAN ECKLUND:

RESOLVED that the Mayor be, and he hereby is, authorized to execute Change Order #2 to the City Hall Elevator Asbestos Abatement contract held by Epic Contracting, 3576 South Benzing Road, Orchard Park, NY, 14127, to include:

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Damages to City Hall caused by flooding  
during contractor's operations

DEDUCT \$15,000.00

for a total DECREASE of \$15,000.00.

Carried: 8 ayes, 0 nays

201003B18

BY COUNCILWOMAN ECKLUND:

WHEREAS, on May 22, 2009 the City of Jamestown entered into an agreement with Villager Construction, Inc., 425 Old Macedon Center Road, Fairport, NY 14459, for Cold Milling 2009 services to the City of Jamestown through October 1, 2009, pursuant to Resolution 200904A11, and

WHEREAS, both parties are desirous of extending said agreement for one (1) year at the same terms and conditions; now, therefore, be it

RESOLVED, that the Mayor be, and he hereby is, authorized to execute Change Order #1 to the Cold Milling 2009 agreement with Villager Construction, Inc., extending said agreement for one (1) year through October 1, 2010, upon the same terms and conditions as the original agreement.

Carried: 8 ayes, 0 nays

**PUBLIC SAFETY**

201003B19

BY COUNCILWOMAN JONES:

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

Section 1. Section 215-41.0 of the Code of the City of Jamestown is hereby **added** to read as follows:

215-41.1 Conformance Required.

Landlord Registration Form:

It is a mandatory requirement that all owners of residences which contain at least one rental unit complete and file a **Landlord Registration Form** with the Jamestown City Clerk. The form is to be filed within 30 days upon receipt thereof or immediately upon request of the City Clerk.

If the information on a previously filed **Landlord Registration Form** changes for any reason, it is the current owner's responsibility to immediately correct the information on the applicable **Form** on file.

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**Landlord Registration Forms** are available at and are to be filed with the Jamestown City Clerk's Office, 200 E. 3rd St. Jamestown, NY 14701.

The Director of Development and his/her agents shall be responsible for enforcement of this Code.

Penalties for offences of this Section shall be punishable by provisions stated in Chapter 215 Section 68 of the Jamestown City Code.

Section 2. This ordinance amendment shall take effect June 1, 2010.

Councilman Dolce: Thank you Mr. President. I just want to encourage the Council to pass this and I want to thank the members of the Housing Sub-Committee for the many months of work on this and it's a step in the right direction. It's the beginning of the work that the Housing Committee has been committed to for the last several years and we hope it's the beginning of more to come in tenant responsibilities and other issues involving our neighborhoods. Thank you.

Carried: 8 ayes, 0 nays

201003B20

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:

Cathleen J. Barber

April 28, 2010 – April 27, 2012

Carried: 8 ayes, 0 nays

**NEW BUSINESS**

201003B21

BY COUNCILMAN DeJOY:

RESOLVED, That the Mayor be, and he hereby is, authorized to enter into a contractual agreement with Data Listing Services LLC DBA, The Connection, 11351 Rupp Drive, Burnsville, MN, 55337, to provide up to 125 parking spaces in the Cherry Street Parking Ramp, for a term of five (5) years (April 1, 2010 – March 31, 2015) at a yearly cost of \$24,000 for years 1-3 and \$25,200 for years 4-5 with an option to renew the agreement subject to the approval of the Corporation Counsel as to form.

Councilman DeJoy: This is an agreement that will insure the continuation of 500 jobs in downtown Jamestown; will provide revenue to the City for the leased parking spaces in the

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Cherry Street Ramp and it's a good deal for both the City and for the Call Connection and I'm very glad and I hope that the Council will approve this.

Carried: 8 ayes, 0 nays

201003B22

BY COUNCILMAN DOLCE:

WHEREAS, Chapter 175-3 of the Code of the City of Jamestown provides that it shall be unlawful for any person within the corporate lines of the City of Jamestown to conduct a circus without first having obtained and paid for and having in force and effect a valid, current license therefore, and

WHEREAS, the special event known as the Jordan Brothers Circus is presently scheduled to take place on March 30, 2010, and

WHEREAS, the location of the event is entirely within the confines of the Jamestown Savings Bank Ice Arena, a privately owned building, and

WHEREAS, the organizers of the Jordan Brothers Circus have heretofore requested an exemption from the provisions of Chapter 175-3 of the Code of the City of Jamestown for March 30, 2010 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 Jordan Brothers Circus to hold a circus at the Jamestown Savings Bank Ice Arena without need of obtaining the license required by the provisions of Chapter 175-3 of the Code of the City of Jamestown and further provided that such circus 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 circus shall in all respects accede to the directives of the Director of Public Safety and the Deputy Fire Chief of the City of Jamestown or their designated representatives with respect to the location of any vehicle, trailers or other installations associated with the circus, 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 Jamestown Savings Bank Ice Arena (organizer of the Jordan Circus), the Fire Chief, the Chief of Police and the Corporation Counsel.

Carried: 8 ayes, 0 nays

There being no further business, the meeting was adjourned.

James N. Olson, Director of Financial Services/  
City Clerk