

August 30, 2010

City Council

Proceedings by Authority

State of New York
City of Jamestown ss:
City Council Chambers

A regular meeting of the City Council of the City of Jamestown, New York was held on Monday, August 30, 2010 at 7:30 p.m.

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

Others Present: Director of Financial Services/City Clerk James N. Olson, Corporation Counsel Marilyn Fiore-Lehman, Director of Public Works Jeff Lehman, Police Chief/Director of Public Safety, Harry L. Snellings, Deputy Fire Chief Chet Harvey 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 of the July 26, 2010 meeting were approved.

MESSAGES FROM THE MAYOR

201008A00.01

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:

Ellen Ditonto
16 Norton Avenue
Jamestown, New York 14701

to be appointed Chairperson of the Zoning Board of Appeals in and for the City of Jamestown, New York (to fill the unexpired term of Tammie L. Donato, resigned).

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

Dated: August 30, 2010

August 30, 2010

Samuel Teresi
Mayor of the City of Jamestown, New York

201008A00.02

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:

Sally Martinez
64 Durant Ave.
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 unexpired term of Tammie L. Donato, resigned).

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

Dated: August 30, 2010

Samuel Teresi
Mayor of the City of Jamestown, New York

Councilwoman Ecklund moved to suspend the rules and vote on the appointments.

Carried: 9 ayes, 0 nays

Councilman Whitford moved to approve the appointments.

Carried: 9 ayes, 0 nays

OPPORTUNITIES FOR PERSONS TO ADDRESS THE COUNCIL

201008A00.03

Peter Morgante, 134 Euclid Avenue: I know this doesn't work right so I'm going to
have to speak up and I'm not shouting, but these things don't work and I don't care what you
people say. I'm a property owner, taxpayer and City resident. Now last week, the 25th, City
Council was at the Jackson Foundation Museum attending the meeting on the housing issue
revitalization. And I'm surprised that three of you weren't there, everybody else was there and

August 30, 2010

I hope you had a good time and you learned something. Mr. Taylor wasn't there; Mr. Szwejbka wasn't there; Mrs. Jones wasn't there all members of the Planning Commission; and by the way – those are the ones that should have been there because this was a housing issue and they're always involved with the housing issues. Now The Post-Journal editors complain that the County Legislators don't do nothing over these budget issues and the \$18,000,000 down there and then in another editorial The Post-Journal editor complains that City Council and the Planning Commission doesn't do nothing except sit on their thumbs – that's a good word for it – over the housing issues. But she never gives any ideas or suggestions or solutions on what should be done, except write tons of articles on the issues and it's always one sided favoring the Renaissance groups. She never puts in there anything asking questions about what could be done better. Now the meeting at the Jackson Center was...they report 125 people were there, but I don't believe there was over 75, and only about ten people were there who were not part of the associations or the groups or elected officials or board members or people who are involved in the City issues. One thing I just don't seem to understand – we've got a city of 30,000 people – but we've got so darn many groups telling you people what to do and it just don't make sense. Like why do we need, besides the Mayor and the City Council, a Planning Commission, the DJDC, the foundation groups, the Renaissance groups and all have boards of people, and most of them don't even live in the City or even work in the City. I mean some of them do work in the City, but they don't live in the City and they don't own property. Now for example, all of those people on that committee who came up and presented the issues that night, don't even own property – some of them rent – most of them are newcomers. They actually don't know what goes on in Jamestown, what happened in Jamestown years ago and why they want us to go back to years ago and they want to live that lifestyle. But we really don't want that kind of a lifestyle to live or even remember it. Now all they want you to do is fix up your home so that they can raise the taxes on them and this is the whole gist of the whole thing – increase the property values so the City can increase property taxes – the only way they got to do it. Now, they don't understand that people in Jamestown cannot afford to own homes on the income they were making. And they don't understand that those of us senior citizens especially who own our own homes and some of youse are – we bought our homes to live in and enjoy it and we fixed them up ourselves as we went along over the period of years and we're still there today. Today people don't buy homes to live in and enjoy in – they buy homes to hang their hat on and then go out and live their lifestyle that they do – carting their kids all around and taking care of those things – and they don't live in their own homes. It's a different style about living in homes today compared to what it was years ago. People years ago were proud of their homes and they kept them up. Today they're not; and buying a house is a status in Jamestown about your income. The more money you make, the better you can buy in the neighborhood. I don't think that anybody, including The Post-Journal has read the big report – the \$91,000 report. I don't think anybody's read that. The meeting that we had here with Mr. Stronz was very good. He gave me a summary of the report and we got it here, but they don't mention all of the things that should have been mentioned in there.

Mr. Rabb: Mr. Morgante, I have to cut you off – your five minutes is up. Can you conclude please?

Mr. Morgante: Well, alrighty. I'll try to. One thing that they did mention in the thing was property tax exemptions is one of the problems we've got here. Then they say that the only

August 30, 2010

hope that Jamestown has got is for the City to reevaluate property taxes and reassessment and that's what you've got to do. Now...

Mr. Rabb: Mr. Morgante – can I ask you to finish?

Mr. Morgante: I can't hear you Mr. Rabb – I'll drop it.

Mr. Rabb: Alright. Sorry that you can't hear me.

Mr. Morgante: If you can't speak up when you hear that...

Mr. Rabb: I will try to talk louder Mr. Morgante – I apologize.

Mr. Morgante: I'm done.

Mr. Rabb: Thank you.

Mr. Morgante: You don't want to hear what's wrong.

Mr. Rabb: I would be happy to hear what's wrong after the meeting.

Mr. Morgante: Well, I think the other people are more concerned than you. I think the public is concerned.

Mr. Rabb: I'll invite them all to stay after. Is there anyone else who...

Mr. Morgante: You can run your meeting, but I can't...

Mr. Rabb: Is there anyone else who wishes to address the Council this evening?

201008A00.03

Schuyler Gore, 13 year resident of 56 East Cowden Place: I'm here to speak on behalf of the citizens on East Cowden Place. I would like to start by reading a quote from the Mayor that I obtained from the City of Jamestown website.

Mayor Sam Teresi said: "As I have said on many occasions, maintaining and rebuilding our streets and infrastructure are among the most basic and necessary functions of local government. I've also believed that such improvements not only add to the appearance and value of our residential neighborhoods and commercial areas, they also have a positive impact on the way both local residents and visitors view and feel about our community."

I would like to thank Mayor Teresi for understanding the value and importance of up-keeping and beautifying Jamestown's communities. Our community, East Cowden Place, is working very hard at improving our overall appearance. We work hard in taking care of lawn

August 30, 2010

work, snow removal, home improvements and the Neighborhood Watch Program monthly. We have nine owner/occupied homes and two tenant/occupied homes. We are a collection of veteran owners and new owners. Our veteran residents, some here tonight, have stated in hours of conversation that our street has not been replaced or had major repair in well over 50 years; yet they have all remained in the community and paid taxes regardless of the neglect of sidewalks, curbs and desperately needed new paved roads. We're asking you to do your part and replace what we are asking for, simply these things. This year we received a temporary fix, tar and pebbles. We appreciate the attempt, but that is exactly what it was to every resident – temporary. It has been mentioned repeatedly by veteran neighbors that the City of Jamestown has claimed for years that they are unable to figure out what to do with the entrance to our street, therefore, nothing has been done to it other than simple patches. At the beginning of our street, there's a short cement retaining wall owned by the City and all around it are weeds, grass and debris, on top of the fact that the actual wall has cracked and is crumbling apart. This is not only an eyesore, it is like our street – now a hazard. After letters, petitions, pictures sent, emails and phone calls over a period of many years, isn't it time that East Cowden Place was taken seriously? We are not a vain community, nor do we feel that the world owes us something. We are simple, tax paying, law abiding, hard working, proud Americans and we take pride in our homes and properties. But we simply cannot take pride in such a neglected street. We are not asking for miles of major roadwork here, we are only asking for approximately 300 feet, or 100 yards, the length of a football field, a street be paved, curbs rebuilt where necessary, and sidewalks either be removed or replaced, not the spots of crooked, broken cement here and there. Part of our neighborhood attended the revitalization of Jamestown's meeting last night. It was uplifting and inspirational. We are already doing our part as a united neighborhood. Can you, as City Council representatives, honestly say you are doing your part? We've invited you to take a drive up our street – how many of you actually care to do this? Isn't it time to stop passing the buck or assuming that our little street is fine the way it is? All we are asking is that we be added to the 2011 road replacement schedule. Thank you.

STANDING COMMITTEES

FINANCE COMMITTEE

201007A01

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 \$6,854,222.57 in accordance with the period ending August 27, 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 \$3,837,865.73, investments in the total amount of \$1,350,000.00 and payrolls in the total amount of \$1,666,356.84, 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

201008A02

BY COUNCILMAN DeJOY:

WHEREAS, funding was available through Empire State Development Corporation of New York State for the Restore New York Communities Initiative, a grant program which is designed to provide municipalities with funding assistance that covers up to ninety percent (90%) of eligible costs for projects involving vacant, abandoned, surplus or condemned commercial and/or residential buildings within their control; and

WHEREAS, in February 2008 the City of Jamestown received an award of \$1.2 million to assist with the \$7.3 million renovation and restoration of the Wellman Building “the Project”, a 52,000 square foot structure located at 101 – 103 West Third Street. Said project upon completion to include mixed occupancy comprised of forty six (46) market rate housing units and 12,152 square feet of commercial space at the street and mezzanine levels; and

WHEREAS, Jamestown Development Company IV, LLC as owner and developer of “the project” desired to maintain the historic fabric and significance of the building, applied for and received approval for the Wellman Building to be listed on the National Register of Historic Places; and

WHEREAS, the City of Jamestown has committed \$145,000 in the form of Community Development Block Grant funds for façade renovations and handicapped compliance assistance and was awarded a \$20,000 grant from The Gebbie Foundation for technical assistance relative to preliminary work required to achieve National Historic Register status for “the project”; and

WHEREAS, federal and state tax credits are made available to induce private capital commitment to restore structures that are listed on the National Register of Historic Places and Jamestown Development Company IV, LLC having received approval from New York State Parks, Recreation and Historic Preservation and the United States National Park Service for use of Historic Tax Credits; now therefore be it

RESOLVED, that the City of Jamestown is hereby authorized and empowered to receive the proceeds of the aforementioned grants, to make a loan of such proceeds to Jamestown Development Company IV, LLC, and to enter into any and all loan documents in connection with the Loan, which Loan Documents may contain such terms, provisions, conditions, stipulations and agreements that the City may deem proper and advisable, and that Mayor is authorized to act on behalf of the City to execute and deliver such Loan Documents and such other documents as Corporation Council may deem proper and advisable in order to effectuate the foregoing transactions; and it is further

RESOLVED, that the Mayor is hereby authorized and empowered to take any and all other actions and execute and deliver all such other agreements, instruments and documents, with advice of Corporation Counsel may deem necessary or desirable in connection with the aforementioned grants and the loan and to otherwise carry out the intent of the resolution and the consummation of the transactions described therein.

Carried: 9 ayes, 0 nays

201008A03

RESOLVED, That the Mayor of the City of Jamestown be and he hereby is authorized to enter into an agreement with Lawley Benefits Group, LLC, 361 Delaware Ave., Buffalo, New

August 30, 2010

York for consulting and brokerage services for the City of Jamestown's health and dental insurance program for the period September 1, 2010 through May 31, 2011 in the amount of thirty-nine thousand five hundred dollars (\$39,500) subject to the approval of the Corporation Counsel as to form.

This resolution was tabled.

PUBLIC WORKS

201008A04

BY COUNCILMAN SPITALE:

RESOLVED, that Jeffrey Lehman, P.E., Director of Public Works, is hereby authorized and directed to purchase one (1) new 2011 Chevrolet Silverado 2500 HD 4WD crew cab 153.7" work truck with utility body and ladder rack from Hoselton Chevrolet, Inc., 909 Fairport Road, East Rochester, NY 14445, for a total amount not to exceed Thirty-one Thousand Two Hundred Three Dollars and Seven Cents (\$31,203.07) per New York State contract, Lot IV, Item 92B, said vehicle to replace unit #52 in the Department of Public Works.

Mr. Spitale: This is a state bid that saves us a lot of money. That vehicle there without a state bid probably would be \$10,000 or \$12,000 more. So it's a good deal.

Carried: 9 ayes, 0 nays

NEW BUSINESS

201008A05

BY COUNCILMAN DeJOY:

RESOLVED, That the Mayor be, and he hereby is, authorized and directed to enter into a lease agreement with Infinity Performing Arts Program, 116 East Third Street, Jamestown, New York 14701 for rental of office space the first floor of the Spring Street Ramp, which lease shall commence September 1, 2010 and terminate August 31, 2013:

September 1, 2010 through August 31, 2013

\$817.98 per month

with the further provision that said lease is subject to the approval of the Corporation Counsel as to form.

Carried: 9 ayes, 0 nays

BY COUNCILMAN DOLCE:

WHEREAS, the City of Jamestown and the Jamestown Professional Firefighters Association through negotiations and mediation arrived at the terms of a tentative agreement which was presented to and ratified by the Union membership, and

WHEREAS, the City Council has, after much deliberation and discussion, considered all the terms contained within the tentative agreement, now, therefore, be it

RESOLVED, That the terms of the tentative agreement for years 2009, 2010 and 2011 executed on or about July 23, 2010, be and hereby are approved.

Councilwoman Ecklund: I am requesting to abstain from the vote on this due to the nature of my spouse being a retired member of that bargaining unit.

Vote on the abstention.

Carried: 9 ayes, 0 nays

Vote on the resolution.

Carried: 8 ayes, 0 nays, (Ecklund abstain)

BY COUNCILMAN DOLCE:

WHEREAS, the City of Jamestown and the Kendall Club PBA through negotiations and mediation arrived at the terms of a tentative agreement which was presented to and ratified by the Union membership, and

WHEREAS, the City Council has, after much deliberation and discussion, considered all the terms contained within the tentative agreement, now, therefore, be it

RESOLVED, That the terms of the tentative executed for years 2010 and 2011 on or about July 23, 2010, be and hereby are approved.

Councilman Szwejbka: Mr. President, I have to request to abstain from this vote since I am a retired member of this union.

Vote on the abstention.

Carried: 9 ayes, 0 nays

Vote on the resolution.

Carried: 8 ayes, 0 nays, (Szwejbka abstain)

Councilman Szwejbka: I would just like to thank our Department Heads for stepping forward and coming on board with our early budget talks. I thought they did a good job. I'm asking my fellow lawmakers here – let's keep on it though – I don't think we should stop. We need to keep the momentum going because I think we all agree, it's going to be a very difficult budget process and I for one am very concerned about our finances. No. 2 – I wish Mr. Morgante was still here because I for one, like many of my fellow Council, have read this czb Report in its entirety, highlights, questions and once again I'm asking, Mr. President, that we continue our discussions on this – that we don't let this die, that we do move forward on it. Thank you.

August 30, 2010

Councilman DeJoy: Mr. President, I share Councilman Szwejbka's concern for the budget, and I too appreciate the frank and difficult and challenging discussions that we had and they will continue and it will be a very difficult budget process; but in with all that challenging news, we at least have some positive here tonight with the restoration of the Wellman Building on Third Street. It's nearly a \$7,500,000 project which will restore a beautiful building in downtown Jamestown and bring in 46 market rate housing units and it's something I think we should be very excited and happy that we will get this project and that the downtown will definitely be enhanced with the commencement of this project.

Councilman Dolce: As far as the neighborhood revitalization, those of us who attended the meeting last week, it was a good meeting. I think that the plans are in place and I share Councilman Szwejbka's feelings that we need to continue to move forward with it. I know that there have been some concerns over some very small parts of that that we're working through and you know, I think, when you see residents in the community stepping forward on that panel, many of the people in the audience, people starting to take ownership back of their neighborhoods tonight – we have a group here – and anytime someone comes to the Council, I think we should recognize them and I would encourage Jeff and the Mayor, and whoever I think it's Maria in your district, to sit down and formulate a plan to do some work in that area and they should be commended for coming out on a beautiful evening and with enough concern and I think that's a perfect example of the type of community involvement that we need in all of the neighborhoods. I know on the north side, we have several groups that have been very active, and it's nice to see other parts of the City that are also getting...I think there's a groundswell of activity that is starting to happen out there, a movement to do what people can to save their neighborhoods and restore them and take ownership over them. Government in and of ourselves, we can't be the total solution. The homeowners and the residents have to also step up and help us out and work with us. I think it's a good sign for the community. Thanks.

Councilman Taylor: I just wanted to follow up quickly to what Councilman Dolce just said and I was going to say beforehand that this is the thing. I want you all to know that your concerns, if you felt they've gone on deaf ears over the years, to know that they have not been. Just being proactive just like you did today is how these things do get down. We could give plenty of examples of how Councilman Spitale and I have gone on certain streets in neighborhoods, looked at similar situations – work has been done. Each year, as you've already made reference to, there is a list that is made of all the things that gets looked at – it does take several years sometimes for those things, but really, I think, by coming to the meeting and letting your concerns heard publicly, does kind of put you a little bit ahead of the curve, so anything that the Council can do that Public Works could do, I'm sure they'll work with you just as Councilman Dolce has said. Thank you.

There being no further business, the meeting was adjourned.

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