

September 27, 2010

City Council

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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, September 27, 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:       Account Clerk Typist/Deputy Registrar of Vital Statistics Debbie Pattie, 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.

Councilwoman Maria Jones gave the invocation.

The minutes of the August 30, 2010 meeting were approved.

**MESSAGES FROM THE MAYOR**

201009A00.01

Mayor Teresi:           This is one of the evenings of the year that I look forward to because it's an opportunity to honor and acknowledge the real backbone of not only city government but of our entire greater Jamestown community and that's members of our outstanding work force in general, but also in particular those that have given really and truly a lifetime of service to their community making it an even better place in which to live and work and raise a family. Every year the New York Conference of Mayors and Municipal Officials provide 25 year, 30 year, 35 year and 40 year Certificates of Service to employees from municipalities across New York State honoring them for their honorable service. We have several of our employees within our ranks that are being so honored this year by the New York Conference of Mayors and three of them that have been able to join us tonight at the Council meeting to be appropriately and publicly recognized and Mr. President, if I could ask you to join me down in the Council – the well – the well Council here and would like to ask John Salemme, Alexander Dimaio, and Don Woodfield to join us please.

John Salemme from the Parks Department who has served this City honorably and effectively for the past 25 years; Don Woodfield, one of our Battalion Chiefs in the Fire Department also at the 25 year mark and the Dean of the Clan, Alex Dimaio our head guy who has a difficult, difficult

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job here in city government – we'd love to get you all fresh brand spanking new equipment to maintain at the Department of Public Works and the Parks Department but it's not in the cards to do that. Alex is the guy along with the mechanics staff that's in charge of procurement to keep all of our aging and difficult to operate equipment running so that our leaves get picked up, the snow gets removed and construction jobs keep moving throughout the course of the summer. They are a hard working workforce, honorable people that are our friends, our neighbors and our family members and I have a certificate from the New York Conference of Mayors – I'll just read the first one – they're all the same:

**The New York Conference of Mayors presents this 25 year Certificate of Public Service in recognition of 25 years of distinguished public service to your community. The New York State Conference of Mayors is pleased and honored to publicly acknowledge your dedication and commitment.**

**Signed by the Executive Director of the New State Conference of Mayors – Peter Baynes**

Gentlemen – thank you so much for your great work that you do for the City. Again, these fellows are really symbolic of the great work that's being done by our 300 and some employees the City has.

Others receiving the Certificates: Robert Johnston – DPW, Roberta Hess, Comptroller, John Senske – DPW, Jerome Davis – DPW and Anthony Constantino – DPW.

President Rabb: I'd just like to add my congratulations as well – thank you very much.

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

201009A00.02

David Anderson, Covenant Manor – these ladies with me also live at Covenant Manor and we're here for the reason being about the curbing. When the bus comes and goes into the curve to pick up a passenger, the curb is very high. We've had people fall there, usually an elderly person; but I think it should be measured and maybe cut back somehow. I don't know exactly what you have to do. But we have sent you letters regarding this problem and with the snow coming, it's going to be a lot worse. Thank you.

Mayor Teresi: Mr. Anderson's concern has been brought to our attention in the past and is currently before the staff at the Department of Public Works who are evaluating what might be able to be done in that situation and they have been in contact with management at Lutheran Social Services who now operates the Covenant Manor facility and are looking at different options. We'll keep both the Council and Mr. Anderson and LSS apprised of what comes out of the analysis. We are aware of the concern, and again, is being looked into to see what options might exist.

201009A00.03

Kathleen Shaw, Covenant Manor: All of you are not as old as we who live there and we want a grocery store downtown. It doesn't seem like much to you, but we can't walk to the grocery stores. We need something available where we can get fresh produce at a decent price – not at Farmer's Market price – and within walking distance of us. Thank you very much.

201009A00.04

Daniel Myers, 515 Forest Ave.: The last time I addressed the Council was November 23, 2009 and the reference number was 200911B00.05 if you want to see what I stated before. I was then, and still am very passionate about my City of Jamestown. Since my last request, I have volunteered my time to many charities in the Jamestown area and one of the things I have done is I've hand-picked garbage from city streets from year to date from January 1, 2010 I've contained 115 bags of trash from the City of Jamestown. My target areas consist of Forest Avenue to Brooklyn Square, Allen Street, Newland Avenue, Barrett and the River Walk. I have taken my wife and children out to participate in the cleaning of areas other than just my own property and they have increased my effectiveness substantially. I'm teaching my family to be responsible here. I'm not wanting anything from my efforts, but I want to be a part of revitalizing this town which I've grown up in as a child. Mr. Mayor, you took my exact quote – I want a better place to work, live and raise my family. I can't do this alone, neither can any one person in the City of Jamestown, so I'm proposing...I've written a...I have an action plan to start up a Neighborhood Alliance Group and Mission Statement and I've had good response from about 160 people so far. This group is designed to follow through with the frontline efforts to clean up our neighborhoods. This group is designed to be a strength in numbers approach of concerned property owners. These owners have been the remnants that have held the City together through the economic downturns, the loss of jobs and the population loss. I'm attempting to get 2,000 signatures by December 31<sup>st</sup> of this year of people who want to jump on board with me and I've already got 160 people who have called me personally at my home and said they're on board and some of them are here tonight. This is nothing against what the City's doing – I want to partner with the City of Jamestown and I hope you get behind me with my effort. We are going to do our best to utilize all existing organizations, Neighborhood Watch, Public Safety, not-for-profit organizations and the neighbors really count to restore the City to make it a better place. The target enforcement area I want to start with is my own neighborhood – Forest Avenue from Cole Avenue all the way down to the bottom of Washington Street. I am a property owner in this neighborhood, have owned it for 18 years and have a good visibility of the properties in this area. I walk it daily. I plan on using the statistical process to pick off two things: I want to see lack of trash and debris which I've picked up for over three years now and I want to see Public Safety increased. I'm concerned when I find drugs, drug paraphernalia, people thugging these neighborhoods, intimidating the residents – I'm seeing it. I didn't believe it until I started walking it more. They're trying to intimidate me and I had talked to the Police Department about what you guys are doing – you've got a tough job out there, but we're going to help you guys. We want to assist the Code Inspection process. We want to be an extra set of eyes that's out there and relieving some of the tasks that the Code Inspectors are doing. Those guys are working hard and they've got their hands full with all of the lack of social behavior that

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we have in our City. We want to fix some problems like painting stair problems that the elderly can't take care of. I want to deploy work and witness groups, the churches, some youth groups and the college. There's a lot of people that are out there that have the ability to help. We need to tap into those resources. In closing, I just want to take one piece of the Revitalization Plan. I've been doing this for three years and this lines up with exactly what I am motivated for and if I'm taking too much time, please give me this one second to finish. It's from page 33 of the Revitalization Plan: it says "in addition to these actions, many communities also use regulations to set standards. For example, when neighborhoods take on self-help activities, local government – on the self-help activity, I need local government to step in with me and assist by employing concentrated Code Compliance programs. That means that the property owners that aren't only willing to upgrade their houses – let's abide by the minimum standards – trash must be removed and overgrown vegetation cut back. Abandoned vehicles must be towed away and safety repairs must be made." If you don't accept anything in the Revitalization Plan, you at least need to help me out and accept that part of it because I won't quit doing this. I've got seven more people already picking up trash in the City and I didn't even know they'd been doing it. They called me up and said "hey – I've been picking up Foote Avenue. I've been picking Van Buren Street. I've been picking up Prendergast Street." I'm saying "let's go." And this is not a slam to the City. I want to partner with the City of Jamestown. I want to partner with the homeowners that worked hard to get their houses in the order that they're in. I also want to keep the neighborhood safe for the kids that walk past my house every day to Fletcher School where I am passionate about keeping it safe. Once I've got a design working model, I'm going to push this thing to every neighborhood I can get it to. No one can do this alone. Let's work together to see this process through. I'm looking at this right now. We don't have much time to spare. Our ratio of responsible people in the City is diminishing as we speak. Thank you.

Mr. Rabb: Thank you for your comments and more importantly, thank you for all your help. We need the help of you and all your neighbors, so I really appreciate you doing what you're doing out there. Please keep it up and if we can help – let us know.

201009A00.05

Peter Morgante, 134 Euclid Ave: I'm a property owner, taxpayer of the City of Jamestown. If you ever read the paper, you'll find out that the big articles is property taxes issuance. We never hear you people talking about anything. The Mayor's supposed to come out with his budget and here it October 1<sup>st</sup>, and we know nothing at all about what's going on. Now today, the paper, Greg Edwards, the County Executive comes out, or Sunday with the paper, the biggest increase we've seen in the County taxes and it's the same ole thing – blaming it on the unions, blaming it on the retirement system, the wages of the employees, the Medicare system which is driving the County broke. This means one thing. The same issues that the Greg Edwards is talking about is going to affect the City of Jamestown and the Mayor's going to come out with the same thing – we've got the retirement money we can't pay for, we've got the wages, we've got everything there – I'm forced to raise the taxes. Are we going to be crazy? We can't afford the raises. Nobody's even addressing the issue like it's not even in existence. Thank God you people aren't running for election. You've got a free year this year. What we need is a Tea Party representing the homeowners, the senior citizens especially who are holding on to their homes and are the only ones that pay the property taxes directly. Now that is the problem with

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our City taxes that we've got. The people that own their own homes like all of youse there, except Mr. Taylor – I don't think you own your own home – I hate to put that, but that's your problem – and you don't pay taxes. You pay rent. And we've got more renters than we've got homeowners, and the homeowners are the ones that are going to be suffering with these taxes. Something has got to be done. We hear nothing out of you people to address the issue. Last week at the Planning Commission they're talking about economical development – jobs, jobs, jobs, fixing up houses for the rental units and not fixing up houses for the people that own them. These are the people that need help. Something's got to be done. We have more renters in the City of Jamestown than we got homeowners. Nothing we can do because the average man cannot afford to buy it. Now I went through those charts or those pamphlets that you got from czb or whatever they are and they're coming up with the wrong figures all the time. One of them is the average house sale is \$70,000. No. The average house sale in the City of Jamestown is around \$50,000. Check with the Assessor's Office. The income of the people in the Jamestown is always falsely given. Nobody worked in the City of Jamestown in a factory could afford to buy any City property of a decent house. And this is the problem we're having and nobody seems to be addressing the issue. Thank you.

## **STANDING COMMITTEES**

### **FINANCE COMMITTEE**

201009A01

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 \$4,758,549.57 in accordance with the period ending September 24, 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 \$3,673,186.97, and payrolls in the total amount of \$1,085,362.60, 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

201009A02

BY COUNCILMAN DOLCE:

RESOLVED, That warrants be drawn and paid to the respective owners and paying agents the sum of three thousand three hundred seventy-two dollars and fifty cents (\$3,372.50) in accordance with the bond and note requirements as follows:

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**Public Improvement Bonds,** issue of October 15, 1991, three thousand three hundred seventy-two dollars and fifty cents (\$3,372.50) for six months interest at 7.00% per annum on ninety-five thousand dollars (\$95,000).

Carried: 9 ayes, 0 nays

201009A03

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 (\$395,403.131) in accordance with the bond and note requirements as follows:

**Public Improvement Bonds, Series A,** issue of March 9, 2006, five hundred thirty thousand dollars (\$530,000) principal and 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 and 1999B (partial) issues. Interest savings \$8,673.12 for this payment.

Carried: 9 ayes, 0 nays

201009A04

BY COUNCILMAN DOLCE:

RESOLVED, that Detective Eric Corey and Police Officer Floyd Kent be, and hereby are, authorized to attend the Advanced Latent Print Processing – Level Two Course to be held at the Amherst Police Department in Amherst, NY from October 4 – October 8, 2010 with expenses paid pursuant to Section 77-b of the General Municipal Laws of the State of New York.

Carried: 9 ayes, 0 nays

201009A05

BY COUNCILMAN DOLCE:

RESOLVED, that Detective Lori Buchanan be, and hereby is, authorized to attend the New York State Children’s Justice Task Force Forensic Interviewing Best Practices Training to be held in Amherst, New York from October 20 through October 22, 2010, with expenses paid pursuant to Section 77-b of the General Municipal Laws of the State of New York.

Carried: 9 ayes, 0 nays

201009A06

BY COUNCILMAN DOLCE:

RESOLVED, That Lieutenants Philip Hanlon and Donald Mowry be, and they hereby are, authorized to attend the New York State Fire Instructors Authorization Training Program at the New York State Academy of Fire Science to be held in Montour Falls, New York on October 9-14, 2010, with expenses paid pursuant to Section 77-b of the General Municipal Law.

Carried: 9 ayes, 0 nays

201009A07

BY COUNCILMAN DeJOY:

RESOLVED, That the City Comptroller be, and he hereby is, authorized to make the following amendments to the 2010 General Fund Budget for the purpose of purchasing a new John Deere 5093E Limited Utility Tractor for the Parks Department:

INCREASE: Appropriations \$37,652.00  
Parks Department Equipment  
A. 7110.0200

DECREASE: Appropriations \$37,652.00  
Contingency  
A.1990.0400

Councilman Dolce: Just a brief comment on this. As we discussed in Finance the last couple of weeks, this is a tractor that's in dire need for the Parks. DPW is putting a great deal of money into repairing it and this money was not budgeted, but it's being taken out of our contingency fund for 2010.

Councilman Szwejbka: It's unfortunate Mr. Dimaio left- we could have brought tears of joy to his eyes.

Carried: 9 ayes, 0 nays

201009A08

BY COUNCILMAN DeJOY:

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 \$13,161.00 for the purchase of nursery stock and with Russell's Tree and Shrub Farm, East Amherst, New York in the amount of \$7,029.00 for the purchase of nursery stock subject to the approval of the Corporation Counsel as to form.

Carried: 9 ayes, 0 nays

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201009A09

BY COUNCILMAN DeJOY:

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 York for consulting and brokerage services for the City of Jamestown's health and dental insurance program for the period October 1, 2010 through June 30, 2011 in the amount of thirty-nine thousand five hundred dollars (\$39,500) subject to the approval of the Corporation Counsel as to form.

Carried: 9 ayes, 0 nays

**PUBLIC WORKS**

201009A10

BY COUNCILMAN SPITALE:

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 Z & M Ag and Turf, 1756 Lindquist Drive, Falconer, NY, 14733, off Town of North Harmony bid prices, one (1) new John Deere 5093E Limited Utility Tractor (\$38,690.00), with optional tires for parks work (\$712.00), optional Quick-tatch front loader with 73" HD bucket (\$5,250.00), less trade-in allowance for 1996 John Deere 5300 cab tractor (-\$7,000.00), for a total amount not to exceed Thirty-seven Thousand Six Hundred Fifty-two Dollars (\$37,652.00), said tractor for use in the Parks, Recreation & Conservation Department.

Councilman Spitale: This piece of equipment – there's three things that are very important. They use it for plowing; they use it for parks maintenance; and they also use it for cutting the grass. The cost of maintaining the '96 wouldn't be appropriate at this time because it's too much money up front. They've been putting a lot of money into this 14 year old tractor so I'm recommending that we okay this.

Councilman Dolce: Just a clarification. It's the same piece of equipment. We gave them the money, now they're spending it.

President Rabb: We're not buying two.

Councilman Dolce: Yes – we're not buying two. Just for clarification.

Carried: 9 ayes, 0 nays

201009A11

BY COUNCILWOMAN ECKLUND:

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RESOLVED, That the bid submitted by R. Patti Concrete & Excavating LLC, PO Box 3081, Jamestown, NY 14702, for Concrete Work: Street Reconstruction 2010, Contract A: English Street, based on the bid opened September 7, 2010, in the following amounts, be and the same hereby is accepted:

2200 SF Flat Work: 4 inch at \$6.00 SF  
650 SF Flat Work: 6 inch at \$6.50 SF  
1800 LF Standard 18" Curb & Gutter: Slip-form at \$26.50 LF  
10 LF 18" Curb & Gutter: Stationary-form at \$32.50 LF  
10 LF Vertical Curb: Stationary-form \$28.00 LF  
0 LF Steps at N/A  
5 EA Core Drill: 4 inch diameter at \$225.00 EA  
40 TON Additional Stone at \$43.50 TON  
10 CY Additional Excavation: \$53.00 CY  
0 SF Stamped Concrete: Brick at N/A  
0 LF Valley Cub & Gutter: Slip-form at N/A  
90 SF ADA Accessible Curb Cuts (detectable warning surface) at \$27.90 SF

for a total bid amount of Seventy-one Thousand Six Hundred Thirty-six Dollars (\$71,636.00), this being the lower of two bids received meeting qualifications, and be it further

RESOLVED, That the Mayor be, and he hereby is, authorized to execute an agreement with R. Patti Concrete & Excavating LLC, which agreement will reflect the services to be performed by R. Patti Concrete & Excavating LLC at the prices referred to above, said agreement to be subject to approval as to form by the office of the Corporation Counsel.

Carried: 9 ayes, 0 nays

201009A12

BY COUNCILMAN WHITFORD:

RESOLVED, That the bid submitted by R. Patti Concrete & Excavating LLC, PO Box 3081, Jamestown, NY 14702, for Concrete Work: Street Reconstruction 2010, Contract B: Palmer Street, based on the bid opened September 7, 2010, in the following amounts, be and the same hereby is accepted:

4500 SF Flat Work: 4 inch at \$6.25 SF  
1800 SF Flat Work: 6 inch at \$6.75 SF  
2000 LF Standard 18" Curb & Gutter: Slip-form at \$27.50 LF  
25 LF 18" Curb & Gutter: Stationary-form at \$32.50 LF  
0 LF Vertical Curb: Stationary-form at N/A  
25 LF Steps at \$85.00 LF  
12 EA Core Drill: 4 inch diameter at \$225.00 EA  
25 TON Additional Stone at \$43.50 TON  
10 CY Additional Excavation: \$53.00 CY  
0 SF Stamped Concrete: Brick at N/A

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0 LF Valley Cub & Gutter: Slip-form at N/A  
90 SF ADA Accessible Curb Cuts (detectable warning surface) at \$27.90 SF

for a total bid amount of One Hundred Five Thousand Forty Dollars and Fifty Cents (\$105,040.50), this being the lower of two bids received meeting qualifications, and be it further

RESOLVED, That the Mayor be, and he hereby is, authorized to execute an agreement with R. Patti Concrete & Excavating LLC, which agreement will reflect the services to be performed by R. Patti Concrete & Excavating LLC at the prices referred to above, said agreement to be subject to approval as to form by the office of the Corporation Counsel.

Carried: 9 ayes, 0 nays

**PUBLIC SAFETY**

201009A13

BY COUNCILMAN TAYLOR:

WHEREAS, a Neighborhood Watch Committee has been organized in the Newland Avenue area for the purpose of deterring crime in that area, and

WHEREAS, the Newland Avenue Neighborhood Watch Program has the support and approval of the Jamestown Police Department, and

WHEREAS, the Jamestown Police Department has received funding for the purchase of Neighborhood Watch signs with the understanding that the City of Jamestown will erect the signs and assume the responsibility for the maintenance of said signs; now, therefore, be it

RESOLVED, That the Director of Public Works be, and he hereby is, authorized to erect and maintain said signs in appropriate places on the aforesaid street.

Carried: 9 ayes, 0 nays

201009A14

BY COUNCILMAN SZWEJBKA:

WHEREAS, a Neighborhood Watch Committee has been organized in the Woodlawn Avenue area for the purpose of deterring crime in that area, and

WHEREAS, the Woodlawn Avenue Neighborhood Watch Program has the support and approval of the Jamestown Police Department, and

WHEREAS, the Jamestown Police Department has received funding for the purchase of Neighborhood Watch signs with the understanding that the City of Jamestown will erect the signs and assume the responsibility for the maintenance of said signs; now, therefore, be it

RESOLVED, That the Director of Public Works be and he hereby is, authorized to erect and maintain said signs in appropriate places on the aforesaid street.

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Councilman Szwejbka: I would just like to say thank you to these groups that are working on community health by taking ownership in their neighborhoods. That's how this community's going to get better.

Carried: 9 ayes, 0 nays

201009A15

BY COUNCILWOMAN JONES:

WHEREAS, a Neighborhood Watch Committee has been organized in the Appleyard Terrace area for the purpose of deterring crime in that area, and

WHEREAS, the Appleyard Terrace Neighborhood Watch Program has the support and approval of the Jamestown Police Department, and

WHEREAS, the Jamestown Police Department has received funding for the purchase of Neighborhood Watch signs with the understanding that the City of Jamestown will erect the signs and assume the responsibility for the maintenance of said signs; now, therefore, be it

RESOLVED, That the Director of Public Works be and he hereby is, authorized to erect and maintain said signs in appropriate places on the aforesaid area.

Carried: 9 ayes, 0 nays

### NEW BUSINESS

Councilman Taylor: It may be appropriate or inappropriate at this time, but if everybody would please join me in singing Happy Birthday...

President Rabb: Who are we wishing Happy Birthday to Mr. Taylor?

Councilman Taylor: Well, if one considers the half a century a milestone, I think the Mayor would and if we could all just join in.

### HAPPY BIRTHDAY WAS SUNG TO MAYOR TERESI

Mayor Teresi: I knew I should have found a reason to stay in Albany tonight, but as sad as that is to say, but thank-you very much, and while we're also out there with well-wishes to members of our City government family, our City Director of Finance and Clerk, Jim Olson, is not here tonight, you may have noticed, because he's out with his wife and I made sure that he did this tonight with his wife tonight celebrating their 25<sup>th</sup> wedding anniversary tonight. So, in abstentia a little round of applause for Jim and Pam Olson.

There being no further business, the meeting was adjourned.

Debbie Patti, Account Clerk Typist/Deputy Registrar  
of Vital Statistics