

August 29, 2011

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 29, 2011 at 7:30 p.m.

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

Members Absent: Maria Jones

Others Present: Mayor Samuel Teresi, Director of Financial Services/City Clerk James N. Olson, Director of Public Works Jeff Lehman, Corporation Counsel Marilyn Fiore-Lehman and Police Chief/Director of Public Safety Harry L. Snellings

Council President Rabb called the meeting to order.

Dr. William Blair of the New Creation Assembly of God gave the invocation.

The minutes of the July 25th, 2011 meeting were approved.

MESSAGES FROM THE MAYOR

201108A00.01

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:

Billy Torres
345 Foote Ave.
Jamestown, New York 14701

to be 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

August 29, 2011

December 31, 2011

Dated: August 29, 2011

Samuel Teresi
Mayor of the City of Jamestown, New York

201108A00.02

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 and Article 3, Section 11-c of the Domestic Relations Law, I do hereby nominate:

Gregory P. Rabb
518 Lakeview Ave.
Jamestown, New York 14701

to be appointed a Marriage Officer 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: August 29, 2011

Samuel Teresi
Mayor of the City of Jamestown, New York

Councilman Spitale moved to suspend the rules and vote on the appointments.

Carried: 8 ayes, 0 nays

Councilman Whitford moved to approve the appointments.

Carried: 8 ayes, 0 nays

August 29, 2011

OPPORTUNITIES FOR PERSONS TO ADDRESS THE COUNCIL:

201108A00.03

Richard Edward McQuay, 368 Buffalo Street: What I would like to discuss is not directed to members of this City Council, but is directed to your political parties – the Democrats and the Republicans. Now I've lived in this community over 40 some years and I've seen a lot of things. You've brought in a person that was being investigated into Jamestown and put him in charge of garbage collection. There was a police chief you hired that was going to lose his job because of his drinking on the job. You brought him here to Jamestown and made him Chief of Police. The FBI was investigating a Police Officer in Buffalo because he owned three houses and all three of his houses were crack houses. You brought him to Jamestown and made him Chief of Police and this is just some of the things – not to mention those two Police Officers, Undercover Agents that were murdered on the corner of Eighth and Washington years ago. But you kind of...as a political party, you have overstepped your authority by ignoring the Constitution of the United States and putting in office as President of the United States a Kenya citizen, but not only that, but he is a radical Muslim who has threatened to tear, destroy our country, and I think your political parties should stop joining together because the Democrats and Republicans had to join hands creating one political party. I like to refer to them as the demre political party – democrat and republican political party which makes this a one party system in this country. All I have to say is if you communists like communism so well, why don't you move to Russia, Red China or North Korea and leave my country and its Constitution alone. Thank you.

STANDING COMMITTEES

FINANCE COMMITTEE

2011A0801

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 \$4,322,656.87 in accordance with the period ending August 26, 2011, 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 \$2,194,240.96, investments in the total amount of \$500,000.00 and payrolls in the total amount of \$1,628,415.91, 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

BY COUNCILMAN DeJOY:

WHEREAS, The Jamestown City Council at a regular meeting held on September 21, 1981, authorized the Mayor of the City of Jamestown to enter into an agreement with the Jamestown Local Development Corporation delegating to the Jamestown Local Development Corporation responsibility for the processing and approval of loan applications for “first instance” Urban Development Action Grant re-use money; and

WHEREAS, Article V, Section 3 of said bylaws of the Jamestown Local Development Corporation requires that no loan of Urban Development Action Grant originated moneys in excess of one hundred thousand dollars (\$100,000.00) be placed without prior approval of the City Council of Jamestown, New York; and

WHEREAS, Rex E. McCray and Donald R. Pangborn, principals of Weber Knapp Co, Inc. has made an application to the Jamestown Local Development Corporation for a loan of two hundred thousand dollars (\$200,000.00), through the Jobs and Private Investment Loan Program (Tier II) as part of a \$7,300,000.00 project involving the acquisition of all stock and assets of Weber Knapp Co., Inc; and

WHEREAS, the Board of Directors of the Jamestown Local Development Corporation, at its meeting held on July 28, 2011, gave preliminary approval for a loan of two hundred thousand dollars (\$200,000.00) at a 5.5% rate of interest for a ten (10) year term to Weber Knapp Co., Inc. subject to the ratification by a majority vote of the City Council of Jamestown, New York; now therefore be it

RESOLVED, that the Jamestown City Council hereby approves the loan not to exceed two hundred thousand dollars (\$200,000.00) at a 5.5% rate of interest for ten (10) years by the Jamestown Local Development Corporation to Rex E. McCray and Donald R. Pangborn principals of Weber Knapp Co., Inc. with collateral as follows; a pro-rata, first security position with the CCIDA and STEDO on the real estate located at 441 Chandler Street, Jamestown, New York. The value of the building is \$1.1 million per an appraisal completed November 2008. A third mortgage position on 2019 Allen Street Extension Falconer, NY behind Five Star Bank and Cephaz Capital. A pro-rata third lien position on all machinery and equipment, whether now owned or later acquired, with the CCIDA and STEDO wherever located behind positions to be held by Five Star Bank and Cephaz Capital. The value of the machinery and equipment is \$4.1 million per an appraisal completed. A pro-rata third lien security position in all accounts receivable and inventory, whether now owned or later acquired with CCIDA and STEDO, wherever located behind a first and second security position to be held by Five Star Bank and Cephaz Capital. An assignment of life insurance in the amount of \$200,000.00 covering the life of Rex E. McCray and an assignment of life insurance in the amount of \$200,000.00 covering Donald R. Pangborn. Personal guarantees from Rex E. McCray and Donald R. Pangborn.

Carried: 8 ayes, 0 nays

August 29, 2011

2011A0803

BY COUNCILMAN DOLCE:

RESOLVED, That the Mayor of the City of Jamestown be, and he hereby is, authorized to enter into a agreement with Family Service of Jamestown, New York, Inc. to provide an Employee Assistance Program for the employees of the City of Jamestown for the November 1, 2011 to October 31, 2014 time period subject to the approval of the Corporation Counsel as to form.

Note: The contract includes the Board of Public Utilities and JURA Employees who are billed back for the services based on the number of employees.

Carried: 8 ayes, 0 nays

2011A0804

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) Auto Mechanic Service Worker II in the Department of Public Works (retirement funded in the 2011 General Fund Budget).

Carried: 8 ayes, 0 nays

PUBLIC WORKS:

2011A0805

BY COUNCILMAN SPITALE:

RESOLVED, That the bid submitted by R. Patti Concrete & Excavating LLC, PO Box 3081, Jamestown, NY 14702, for **Concrete Work: Street Reconstruction 2011, Water Street**, based on the bid opened August 8, 2011, in the following amounts, be and the same hereby is accepted:

900 SF Flat Work: 4 inch at \$4.60 SF

1114 SF Flat Work: 6 inch at \$5.40 SF

August 29, 2011

1132 LF Standard 18" Curb & Gutter: Slip-form at \$17.00 LF
0 LF 18" Curb & Gutter: N/A
0 LF Vertical Curb: Stationary-form at N/A
0 LF Steps at N/A
6 EA Core Drill: 4 inch diameter with 10' 4" drain pipe at \$0 EA
10 TON Additional Stone at \$25.00 TON
5 CY Additional Excavation: \$0 CY
0 SF Stamped Concrete: Brick at N/A
0 LF Valley Cub & Gutter: Slip-form at N/A
10 SF ADA Accessible Curb Cuts (detectable warning surface) at \$16.00 SF

for a total bid amount of Twenty-nine Thousand Eight Hundred Nine Dollars and Sixty Cents (\$29,809.60), this being the lower of two bids received, 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: 8 ayes, 0 nays

2011A0806

BY COUNCILMAN SPITALE:

RESOLVED that Jeffrey Lehman, P.E., Director of Public Works, is hereby authorized and directed to purchase one (1) new International 2012 Model 4400 SBA 4 x 2 Cab and Chassis from Navistar, Inc., 1568 Central Avenue, Albany, NY 12205 for an amount not to exceed Seventy-three Thousand Seven Hundred Twenty-nine Dollars (\$73,729.00), per NYS Contract No. PC 62757, to be used as the patching truck in the Department of Public Works.

Carried: 8 ayes, 0 nays

2011A0807

BY COUNCILMAN WHITFORD:

RESOLVED that Jeffrey Lehman, P.E., Director of Public Works, is hereby authorized and directed to purchase one (1) new Trackless MT6 sidewalk plow (\$121,015.00) and one 51" snow blower/ribbon auger (\$8,925.00) from Joe Johnson Equipment (USA) Inc., 62 LaGrange Avenue, Rochester, NY, 14613 for an amount not to exceed One Hundred Twenty-nine Thousand Nine Hundred Forty Dollars (\$129,940.00), per bid opened July 28, 2011, this being the only bid received meeting specifications, for use in the Department of Public Works.

Carried: 8 ayes, 0 nays

August 29, 2011

2011A0808

BY COUNCILMAN WHITFORD:

RESOLVED that Jeffrey Lehman, P.E., Director of Public Works, is hereby authorized and directed to purchase one (1) new HAMM HD70 tandem vibratory roller from Monroe Tractor, 5035 Genesee Street, Buffalo, NY, 14202, for the amount of Eighty-four Thousand Eight Hundred Dollars (\$84,800.00), per bid opened July 28, 2011, this being the lowest bid received meeting specifications, for use in the Department of Public Works.

Carried: 8 ayes, 0 nays

2011A0809

BY COUNCILWOMAN ECKLUND:

RESOLVED that Jeffrey Lehman, P.E., Director of Public Works, is hereby authorized and directed to purchase one (1) new Bergkamp FP5 Pothole Patcher from Cyncon Equipment, Inc., 7494 W. Henrietta Road, Rush, NY, 14543 for an amount not to exceed Eighty-six Thousand Eight Hundred Forty-two Dollars (\$86,842.00), per bid opened July 28, 2011, this being the only bid received meeting specifications, for use in the Department of Public Works.

Carried: 8 ayes, 0 nays

PUBLIC SAFETY:

2011A0810

BY COUNCILMAN SZWEJBKA:

RESOLVED, That the Board of Public Utilities be, and it hereby is, requested to install one new 150W HPS street light fixture with 8' mast arm at the following location:

BPU Pole 16310

Clyde Avenue

Carried: 8 ayes, 0 nays

NEW BUSINESS:

2011A0811

BY COUNCILMAN DOLCE:

RESOLVED, That Mayor Samuel Teresi, and Police Chief/Director of Public Safety Harry Snellings 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, 2011 and ending June 30, 2012 in the amount of Eighty-three thousand dollars (\$83,000) and for a term of one (1) year beginning September 1, 2012 and ending June 30, 2013 in the amount of Eighty-five thousand

August 29, 2011

dollars (\$85,000), with the annual reimbursement to be made in ten equal monthly payments subject to the approval of the Corporation Counsel as to form.

Note: If the School District requests the SRO attendance during summer school sessions, the School District will reimburse the City for these services at the rate of \$15,000 per year.

Carried: 8 ayes, 0 nays

2011A0812

BY COUNCILMAN DOLCE:

WHEREAS, the City of Jamestown is the owner of real property known as parcels 387.47-2-47, 44, 43, 42, 41, 29, 28 and 27 located on Steele Street and the former Culver Street right-of-way, and

WHEREAS, the City of Jamestown desires to amend the public purpose of the properties, now therefore be it

RESOLVED, That the Mayor of the City of Jamestown be, and he hereby is, authorized to execute deeds amending the public purposes of the aforementioned properties from Board of Public Utility purposes to City of Jamestown general purposes.

Councilman Szwejbka: I'm going to vote against this resolution and the next resolution after that, not because I have any qualms with building a salt barn. The Public Works does need a salt barn, but as we know, an issue has been raised by the BPU, an environmental issue concerning the placement of that salt – a study that's going to be looked into – and I for one just feel uncomfortable approving any resolutions until that issue is resolved. Thank you.

Councilman Dolce: I was going to start this conversation by just saying that the purpose of this and the next resolution, we're not authorizing to start this project. This is just the beginning. It continues the process along so that when and if we do commence with the project or continue it, we're ready to go. The properties transferred, things are ready to go in the event that we do make that decision. We are running up against the time period here. We'd like to get the salt barn, if everything checks out, as Councilman Szwejbka has raised concern, we will then be ready to go. We are not authorizing to start building the project. This is just merely to keep the ball rolling so that in the event we do decide to build that on that site, we'll have the proper time to get that ready for this winter, if possible. Thank you.

Carried: 7 ayes, 1 nay (Szwejbka)

2011A0813

BY COUNCILMAN DeJOY:

WHEREAS, the Jamestown Urban Renewal Agency is the owner of real property known as parcel 387.42-3-21 located on Harrison Street, and

WHEREAS, the City of Jamestown desires to acquire title to the property, and

August 29, 2011

WHEREAS, the Jamestown Urban Renewal Agency agrees to transfer said premises to the City of Jamestown for one dollar (\$1.00), now therefore be it

RESOLVED, That the Mayor of the City of Jamestown be, and he hereby is, authorized to execute a quit claim deed accepting the aforesaid premises and that the premises be designated for public purposes.

Councilman DeJoy: Just the fact that this resolution goes along with the last resolution indicating that the use of the property be designated for DPW purposes from BPU and we do take the environmental concerns very seriously and they will be looked at as a Board of Public Utilities Board member and as a City Council member and I can tell you that I would not put any of our very valuable assets in jeopardy; but I do believe that this process should keep moving along until we determine otherwise that placing the salt barn in that area does pose any risk whatsoever.

Carried: 7 ayes, 1 nay (Szwejbka)

COMMENTS FROM COUNCIL MEMBERS:

Councilman DeJoy: Thank you Mr. President. We kind of went through one resolution, the second resolution tonight, in which we approved a loan for \$200,000 to Weber-Knapp Company and it's extremely significant, I think, to the history of Jamestown and to what we really would like to see here in Jamestown. As we read in the paper that Weber-Knapp is over a 100 year old company in Jamestown here. It hasn't had local control since the 1920's. It has over 110 employees and there's about \$10.4 million dollars of economic impact to the community having Weber-Knapp here in Jamestown and they do some very high-tech precision manufacturing here. I am just very proud to approve this loan to be on the JLDC Board and the fact that we are keeping these two gentlemen, Mr. McCray and Mr. Pangborn helping them out as principals of the company that have been there for a long time, and I wish them the best of luck and I think that they will succeed here, especially with local control.

Councilman Dolce: Just briefly – on a lighter note, I wanted to take this opportunity; I don't think we've had a voting session and we had two very significant events in the last few weeks – the Luci Celebration was a huge success, the parade and all the festivities, and the record-book breaking, and all that stuff; and of course, last week was the Babe Ruth World Series and bringing thousands of visitors to Jamestown and many of us here were integral parts of that in different capacities as host parents, as members of the Board, and in some capacity lots of us...I know Paul served hot dogs all day long and Kim was on the Board – I think she was there probably 14 hours a day, and the Mayor and myself and Mr. Lehman and Marilyn were host parents and you hear comments from people from out of town. Sometimes I think we live in a community, you don't always appreciate the things that go on here, and people were absolutely stunned and impressed by the hospitality, the professionalism, the community itself, the weather...couldn't have asked for better weather. Many people came from parts who have been in extreme heat for the last two months and thought this was just like heaven. I said "come back in January and see if you think the same thing," but again, I just wanted to take this opportunity to recognize everyone in the community who stepped up to the plate and you hear comments from the Babe Ruth International people saying "this is the best place to have a World Series,"

August 29, 2011

and we can't obviously forget Russ Diethrick and the integral part he plays as the Host President and all of the pieces of the puzzle and we should be very proud of that. We deal with problems all the time and problem solving and sometimes we forget some of the good things that we have right here. The last few weeks we've had some things to celebrate so I wanted to touch on that. Thank you.

There being no further business, the meeting was adjourned.

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

August 29, 2011