

September 26, 2011

City Council

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, September 26, 2011 at 7:30 p.m.

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

Others Present: Director of Financial Services/City Clerk James N. Olson, Director of Public Works Jeff Lehman, Corporation Counsel Marilyn Fiore-Lehman, Police Chief/Director of Public Safety Harry L. Snellings, Deputy Fire Chief Chet Harvey, Executive Asst. to the Mayor Matt Hanley

Council President Rabb called the meeting to order.

Councilwoman Rev. Maria Jones gave the invocation.

The minutes of the August 29, 2011 meeting were approved.

MESSAGES FROM THE MAYOR

201109A00.01

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:

Lillian Vitanza Ney, M.D.
88 Gordon Street
Jamestown, NY 14701

to be re-appointed a member of the Jamestown Community College Board of Trustees in and for the City of Jamestown, New York.

The term for which said appointment is to be made will expire
June 30, 2018.

Dated: September 26, 2011

September 26, 2011

Samuel Teresi
Mayor of the City of Jamestown, New York

201109A00.02

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:

Dr. Leonard Faulk
155 Myrtle Street
Jamestown, New York 14701

to be re-appointed a member of the Strategic Planning and Partnerships Commission in and for the City of Jamestown, New York.

The term for which said appointment is to be made will expire July 1, 2016.

Dated: September 26, 2011

Samuel Teresi
Mayor of the City of Jamestown, New York

201109A00.03

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:

Catherine Way
21 Dearborn Avenue
Jamestown, New York 14701

to be re-appointed a member of the Jamestown Housing Authority in and for the City of Jamestown, New York.

September 26, 2011

The term for which said appointment is to be made will expire
September 30, 2016.

Dated: September 26, 2011

Samuel Teresi
Mayor of the City of Jamestown, New York

201109A00.04

CITY OF JAMESTOWN)

Mayor's Office)

To the City Council of the City of Jamestown New York

Council Members:

In pursuance of section 523-a. of the Real Property Tax Law, I do hereby nominate:

Jeffrey Fellows
71 Barker Street
Jamestown, New York 14701

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

The term for which said appointment is to be made will expire
September 30, 2016.

Dated: September 26, 2011

Samuel Teresi
Mayor of the City of Jamestown, New York

201109A00.05

CITY OF JAMESTOWN)

Mayor's Office)

To the City Council of the City of Jamestown New York

Council Members:

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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:

Paul Whitford
25 Pearl 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: September 26, 2011

Samuel Teresi
Mayor of the City of Jamestown, New York

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

Carried: 8 ayes, 0 nays

Councilman Spitale moved to approve the appointments.

Carried: 8 ayes, 0 nays

Councilman Taylor arrived.

OPPORTUNITIES FOR PERSONS TO ADDRESS THE COUNCIL:

201109A00.06

Richard Edward McQuay, Sr., 368 Buffalo Street: At the last Council meeting when I spoke, as I was leaving, one of the Council members asked a question and I am here tonight in hopes of being able to answer that question. His question was "where did that guy come from?" Well, I'd like to clear up one thing. I'm not a guy. I'm an Irish gentleman with an attitude. Where I came from I brought my family flag. There is 689 years of history from the time of Plymouth Rock. The French/Indian Wars under Captain George Washington. My forefathers fought in the Continental Congress's Army and were granted land grants northeast of Titusville, Pennsylvania. I have here a Seaman's Passport that was issued to my father and this was carried with him across the North Atlantic on convoys. At the same time, I had a brother who was fighting the Japanese in the Pacific. I had two brothers that were fighting in Vietnam. One of them got seriously wounded and he could not even get a Purple Heart because he was blown up by our own artillery. Now for a country to know where it's going, it must know where it came from. I know where my family came from since 1620. I know where I am going to go into the future. I would like to know and I know the City Council does not ask any questions, but I want them to ask themselves this question: Where did they come from and what are their plans in the

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future? Soon, I'm going to die because the President of the United States has ordered Medicare to deny me medical treatment.

President Rabb: Sir – can I ask you to keep your comments relevant to City business?

Mr. McQuay: Well, that may take a minute because I think...in a way it is City business because you, in one way or another, license doctors to practice in this City – they must be registered...

President Rabb: We don't license doctors to practice in Jamestown. That's not a matter before the City Council.

Mr. McQuay: Well, I know where I'm going to go. When I die, my body is going to be put back with mother earth. My soul is going to God. In my lifetime I had a spirit. I created the spirit through my body and soul and my spirit when I die will go with my ancestors into that American Flag that you so proudly salute and don't even know what the colors stand for. Learn your history, learn who you are and where you came from and where do you plan to go into the future because at the current rate you're going you are destroying a city and you're destroying our country. Good night.

201109A00.07

Nancy Pickut, 23 Chapman Street: Members of City Council: I just wanted to thank you all for hearing me last Monday and for your attention, and I wanted to give you some updates on what's been happening since. I'll try to keep this brief in the nature of time. Tuesday, September 20th, the neighbor added another feeder to the back yard. Wednesday, the 21st – I didn't realize – I added 21 balloons. I tried them in March per Roger Tory and the Audubon and it only lasted a few days then, but it's just so serious an issue for me to let go another day, so I added the balloons in attempt to keep the birds from our yard. Thursday, the 22nd, late in the afternoon, 7 feeders were missing from the Shepherd's Hooks. Friday, the 23rd, I heard pigeons and sparrows fussing in the back yard. Of the seven feeders, five of the largest feeders filled with birdseed were on top of an upside down canoe. Three feeders are still on his garage; 2 hummingbird feeders are on the ground and one is on a Shepherd's Hook. On Sunday the 25th, 27 pigeons were on another neighbor's garage waiting to go to the new location of the feeders. The County Department of Environmental Health had suggested that I power wash my porches every day. That's a little bit too extreme for me to be able to do, but for the weekend, I did power wash four porches, the furniture and scrubbed the carpeting, partly in preparation for the winter and partly because I'm hoping this horrible ordeal that's been going on since 2009, that the end is near, and again, I want to thank you for your attention and what you might be doing; I wonder if there's anything that you could share that's been going on on your side?

President Rabb: I don't think there's any updates that we can give you this evening. So I don't really have an answer for you. I appreciate you giving us an update.

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Ms. Pickut: Thank you. I'm under the impression that because the feeders were at least taken off the Shepherd's Hooks, that he maybe got the certified letter from the County Health Department. I don't know that.

Council President Rabb: Yes, he may have, but of course we wouldn't know that since it came from the County.

Ms. Pickut: Right. And the lawyers for the County had told me that I would know by the 27th from their perspective, but I just wondered from Monday, I understand there's a special committee working on this and I wondered...so thank you – I look forward to hearing from you folks to how things stand and what you've discovered or are working on in terms of the City law or City Code change – maybe using part of my proposal?

Council President Rabb: I believe that's been referred to Committee, but at this point, there's no action.

Ms. Pickut: What does that mean – referred to Committee – in terms of time?

Council President Rabb: To consider whether we should change our existing Code, or if the Code already addresses the problem.

Ms. Pickut: Okay.

Council President Rabb: I don't have a time limit for you.

Ms. Pickut: These 21 inflated balloons aren't going to last very long and it gets kind of expensive to try to keep that up and like I say, it's been going on since 2009 and last year even through the winter, and I think I shared with you, but I'm not certain, last year wintertime when we went out our main door, we saw pigeons dismembered, alive, in front of my eyes and I have taken pictures to show that now the pigeons are landing on neighbors' roofs and in their chimneys, where before they weren't, so that if that starts to arise maybe some of the concern of the neighbors, whom should I have them contact?

Council President Rabb: If it's a Code violation, have them contact the Department of Development, or a potential Code violation.

Ms. Pickut: Okay. I know there is growing concern and are there any suggestions that you might offer as to – like I say – the 21 balloons that I've got now all around the house and the wide eyed balloons from Roger Tory and Audubon suggested and the foil all over the house, that's not going to sit well as the weather starts getting worse...

Council President Rabb: I know nothing about controlling birds. I guess I would wait to see what happens with that letter from the County.

Ms. Pickut: Okay. Thank you very much.

STANDING COMMITTEES:

FINANCE

201109A01

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 \$4,009,673.07 in accordance with the period ending September 23, 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 \$2,864,162.07 and payrolls in the total amount of \$1,145,511.00, 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

201109A02

BY COUNCILMAN DeJOY:

RESOLVED, That the Mayor of the City of Jamestown be, and he hereby is, authorized to enter into a grant agreement with the Chautauqua Region Community Foundation in an amount not to exceed \$500 for the purpose of funding a portion of the cost of the 2011 Parks, Recreation and Conservation Department Halloween Fun Fest subject to the approval of the Corporation Counsel as to form.

Carried: 9 ayes, 0 nays

201109A03

BY COUNCILMAN DeJOY:

RESOLVED, That warrants be drawn and paid to the respective owners and paying agents the sum of two thousand, one hundred thirty dollars (\$2,130.00) in accordance with the bond and note requirements as follows:

Public Improvement Bonds, issue of October 15, 1991, two thousand, one hundred thirty dollars (\$2,130.00) for six months interest at 7.10% per annum on sixty thousand dollars (\$60,000).

Carried: 9 ayes, 0 nays

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201109A04

BY COUNCILMAN DeJOY:

RESOLVED, That warrants be drawn and paid to the respective owners and paying agents the sum of one hundred seventy-five thousand three hundred seventy-eight dollars and thirteen cents (\$175,378.13) in accordance with the bond and note requirements as follows:

Public Improvement Bonds, Series A, issue of March 9, 2006, one hundred sixty thousand dollars (\$160,000) principal and fifteen thousand three hundred seventy-eight and thirteen cents (\$15,378.13) for six months interest at 3.50% per annum on eight hundred ten thousand dollars (\$810,000).

Note: Refunding of 1999B (partial) issues. Interest savings \$5,785.62 for this payment.

Carried: 9 ayes, 0 nays

201109A05

BY COUNCILMAN DeJOY:

WHEREAS, both the Manufacturers and Technology Institute (MTI) Building and the Arts and Science Building of Jamestown Community College – Jamestown Campus require expansion and renovation, and the Community Building located on the Jamestown Campus will be too costly to renovate and requires demolition, and

WHEREAS, the Jamestown Community College Regional Board of Trustees has approved these three capital projects as part of their Five-year capital master plan, and as individual projects to be undertaken by the college without any additional monetary contribution by the City of Jamestown, and

WHEREAS, Section 6310(10) of the Education Law requires that all proposals for the improvement of college facilities adopted by a community college regional board of trustees be approved by the legislative body of all local governments appointing members to such board of trustees, now, therefore, be it

RESOLVED, the Jamestown City Council hereby approves the aforementioned Jamestown Community College capital projects for the expansion and renovation of the MTI Building and the Arts and Sciences Building, and the demolition of the Community Building at the Jamestown Campus.

Carried: 9 ayes, 0 nays

201109A06

BY COUNCILMAN DOLCE:

RESOLVED, that resolution number 201103A03, dated March 28, 2011 be and hereby is rescinded.

Carried: 9 ayes, 0 nays

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201109A07

BY COUNCILMAN DOLCE:

WHEREAS, the New York State Office of Children and Family Services has made available \$9,647.61 in youth service and youth recreation monies to be contracted with non-profit agencies in the City of Jamestown, and

WHEREAS, the Board of Directors of the City of Jamestown's Department of Youth Services has reviewed and passed the youth service and youth recreation programs for 2011 using all of the Office of Children and Family Services eligibility, and

WHEREAS, the agencies will provide proof of expenses to the Department of Youth Services before the City will forward the reimbursement to the agencies,

WHEREAS, the City of Jamestown will give the agency a check for the amount of Office of Children and Family Services funding to be reimbursed by the Office of Children and Family Services to the City of Jamestown, now therefore be it

RESOLVED, that the Mayor be and he hereby is authorized to enter into contracts with the following agencies for youth service and youth recreation programs for 2011:

PARKS & RECREATION "Summer Program" - youth recreation program,
\$1,375.00;

CHAUTAUQUA STRIDERS "Lighted Schoolhouse Program" - youth service program,
\$699.12

JAMESTOWN BOYS & GIRLS CLUB "Smart Girls" - youth service program, \$699.12

FAMILY SERVICES - . Drop-out Prevention Program - youth service program,
\$1,050.37;

The SALVATION ARMY – Children and Family Outreach Program, youth
service program, \$1,399.13:

INFINITY VISUAL & PERFORMING ARTS - Infinity Visual & Performing Arts
Program, \$699.12;

JOINT NEIGHBORHOOD PROJECT - Summer Youth Programs - youth
recreation program, \$2,199.10:

THE PRINCESS CLUB - Youth Development Program, youth recreation
Program, \$999.13 and

DEPARTMENT OF YOUTH SERVICES - Project YES - youth service
program, \$527.52

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201109A08

BY COUNCILMAN DOLCE:

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 \$10,335.00 for the purchase of nursery stock and with Russell's Tree and Shrub Farm, East Amherst, New York in the amount of \$11,649.00 for the purchase of nursery stock subject to the approval of the Corporation Counsel as to form.

Carried: 9 ayes, 0 nays

201109A09

BY COUNCILMAN DOLCE:

RESOLVED, That the Mayor of the City of Jamestown be, and he hereby is, authorized to enter into a rental agreement with the Jamestown Public School District beginning October 1, 2011 for the rental of Flat Iron Park, Monday – Friday from, 7:00 a.m. – 4:30 p.m. in the amount of one dollar (\$1.00) per year subject to the approval of the Corporation Counsel as to form.

Carried: 9 ayes, 0 nays

201109A10

BY COUNCILMAN DOLCE:

RESOLVED, that the Mayor be, and he hereby is, authorized to enter into a contract with The Burke Group, 80 Linden Oaks Drive, Rochester, NY 14625, for GASB 45 Actuarial Services for the fiscal years ending December 31, 2011, 2012 and 2013 in the amount of \$13,000.00.

Carried: 9 ayes, 0 nays

PUBLIC WORKS

201109A11

COUNCILMAN SPITALE:

RESOLVED, that the Mayor be, and he hereby is, authorized to enter into an agreement with E. E. Austin & Son, Inc., 4 Carter Street, Falconer, NY 14733, to provide City of Jamestown Highway Garage Repairs, per its proposal dated September 13, 2011, in an amount not to exceed Five Hundred Thirty-four Thousand Five Hundred Dollars (\$534,500), said agreement to be subject to approval as to form by the office of the Corporation Counsel.

Mr. Spitale: I'm happy about it because local contractors are getting the work.

Carried: 9 ayes, 0 nays

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PUBLIC SAFETY

201109A12

BY COUNCILMAN SZWEJBKA:

WHEREAS, a Neighborhood Watch Committee has been organized in the W. 13th St. Area for the purpose of deterring crime in this area, and

WHEREAS, the W. 13th St. 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.

Mr. Szejbka: I would like to comment that I think that it is excellent – neighbors in that area taking ownership – there’s a lot of good people that live in that area and it’s really nice to see them get together and take a stand.

Carried: 9 ayes, 0 nays

201109A13

BY COUNCILMAN SPITALE:

RESOLVED, that the Mayor be, and he hereby is, authorized and directed to enter into an agreement with the Jamestown Urban Renewal Agency to administer all aspects of the Environmental Protection Agency Pedestrian Bridge and Riverfront Design Guidelines grant #C006433 contingent on the Jamestown Urban Renewal Agency indemnifying and holding the City of Jamestown harmless for any actions resulting from the administration of said grant award.

Carried: 9 ayes, 0 nays

Councilman Taylor: I just wanted to give thanks on behalf of the community who are commenting for the State, the County, especially the City, Public Works Departments for the work that’s been done on all the major roads, the different curbing; it all came together. It’s all coming together – 2nd Street, Washington Street, Fairmount, of course, the ones I’m missing I apologize for that – but thank you so much – Jeff and all the other Public Works people, departments, for the work on those roads. Also, a special thanks on behalf of the businesses on Washington Street for removing the one eyesore burned home that had been there for quite some time. A lot of people have actually commented about how much better the street looks, or how much more joyous it is going down Washington Street without that. The Housing Department as well, sorry to say, but for the number of houses that have been posted as “condemned” just in the recent months, and hopefully those can come down and we can get the money, the funding necessary to get those down and make the neighborhood safer. Thank you.

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There being no further business, the meeting was adjourned.

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

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