

Minutes

PUBLIC SAFETY COMMITTEE

Monday, February 4, 2013

7:00 P.M.

Police Training Room 4th Floor
Municipal Building, Jamestown, New York

MEMBERS PRESENT: Chairman Steve Szwejbka, Councilman Paul Whitford, Councilwoman Maria Jones

MEMBERS ABSENT:

OTHERS PRESENT: Police Chief/Director of Public Safety Harry Snellings, Deputy Fire Chief Chet Harvey, Anthony Tota

Chairman Szwejbka called the meeting to order.

The minutes of the January 14, 2013 meeting were approved.

Public Comment/Persons to address the Committee

Anthony Tota, 48 Sherman Street: Just to start off, I'm very disappointed and I'm not going to take it at a personal level, but on an official level in the City of Jamestown – what's happened in my life. My total rights of privacy have been destroyed and I've been harassed for approximately 20 years by various people officiating in the County of Chautauqua, including Judge Ward, on the local level, Judge LaMancuso, Judge Panebianco, Judge Gerace, a few other justices, Judge Peacock. My primary issue for being here is I have a complaint and primarily the City of Jamestown has not addressed the complaint; they have not respected me and they have not taken my complaint to the values that it should be taken.

Mr. Szwejbka: Okay. I'm just going to tell you – you have five minutes so get to the point. The complaint is?

Mr. Tota: The complaint is that...well, I'm not going to get this done in five minutes...

Mr. Szwejbka: We'll give you some extra time, but it's going to be very limited.

Mr. Tota: The two primary issues are the traffic in my neighborhood...

Mr. Szwejbka: Okay. Traffic...

Mr. Tota: and the response by the Jamestown Police over a history of years and also the WCA's reaction and non-response to the problems in the area. First thing I have is my complaint about traffic that was driving recklessly on Arnold Street. I did get several responses from the Chief and also from a dispatcher saying that there was not a lot of traffic and there were no traffic infractions. These are the pictures I have taken over the years if you'd like to look at them concerning the traffic that's in my neighborhood. I've taken pictures of these. I'm the kind of person that gets involved in this kind of thing. I'm drawn to the window by loud vehicles, loud noises that shouldn't be happening and when I get to the window, I take pictures of what I see and that's what I see over the years. Those pictures are fairly recent, but some of them date back a period of years. I brought them for verification. That type of traffic activity is still happening on Arnold Street where cars are driving in the middle of the street, speeding, driving recklessly reaching Arnold and the old Foote Avenue and turning left when there's no left turning sign. I wouldn't even be paying attention to this if it wasn't for the noise and reckless driving. So those are the pictures I've taken over the years for verification and people have argued with me that there is no traffic and no traffic infractions on Arnold Street. This is the corner of Sherman and Arnold and again, I'm brought to the window of my house and other areas because of the noise. I don't stand there looking for this kind of thing; I'm too busy for this. Those are vehicles that are turning in the left lane into the left lane when they are turning from Sherman to Arnold heading east on Arnold.

The other issue on Sherman Street – that's particularly Sherman and Arnold – this is a parking issue that I've addressed with the WCA and as you can see, there's no...here to the corner – no parking – parked cars are allowed to park near the corner and that makes it difficult for people to make turns obviously. There have been some other noise factors, I happened to take a picture of a lot of vehicles going by. That's the corner of Sherman and Arnold.

The other issues that I have addressed with the Chief and the previous Chiefs are problems with people blocking my driveway because they're turning around in my driveway and these are several pictures I've taken over the years to verify that people are using my driveway for a turn-around. When I complain to the police and to the neighborhood of people not to do it...people have blocked my driveway over a period of years and continue to block my driveway. What I've got from the dispatch is partial blocking of the driveway, we're not going to come down and ticket. In this instance, I've have two lanes in the driveway, there's people on either lane backing out. They are obstructed. Their views are obstructed by people that are blocking or infringing on the edge of my driveway. I spoke to the Judge about it – Judge LaMancuso is my neighbor – and he stated to me that he would talk to his tenants. I spoke with him several times over the period of years and the problem of turning around by his tenants and blocking

my driveway persists. In particular, there was a problem I had, under Chief Rader's tenure, with Officer Radar who I believe (1) is a person who he was going out with a woman who was renting from the Judge and in that particular picture there is a blue pickup truck in the middle of my driveway in the wintertime. When I called the Police, they sent Officer Radar down and I believe he had some type of personal association with the person who parked there. He asked to come into my house to talk to me. I said "No – the violation is in my driveway." He refused to ticket the vehicle because I didn't go in the house, and I don't believe that's a legal basis for not ticketing somebody who's in the middle of the driveway as that picture shows. There's a blue pickup truck – he walked away that day and there was no ticket given and the vehicle was allowed to stay there and I was not allowed to leave my driveway or had access to my driveway because Officer Radar, in response...

Ms. Jones: The blue pickup truck?

Mr. Tota: No. It was in the wintertime.failed to or refused to ticket it and gave me the reason that he would not ticket or tow the vehicle because I was not the owner of the property - I was just staying there without an actual....

Mr. Szwejbka: Alright. Let me just interrupt you Mr. Tota. I know the Chief has an officer who, putting it mildly, loves to write tickets, and I know he was down in the area, and if he sees a violation, he's going to write it and I know he's been around there, I believe Chief, I don't want to step on your toes, but I know the officer and if he sees a violation – I don't care if it's his mother – he's going to get a ticket. So, I don't accept that they're not going to write tickets there. If there's a violation, they will write it.

Mr. Tota: Well, in this particular instance, Officer Radar refused to...and I began an action against the City for nominal fees for the fact that the Officer did not do his duty. I wrote a Notice of Claim, I never acted on it, I became involved with the WCA Hospital which that action lasted approximately five years and which my rights were violated by the hospital. During that time, I did not...I don't know how long the Statute of Limitations had the time to pursue it; if I do, I will. Like I say, the first mistake that Officer Radar made was asking to come in my house when I addressed the violation that was on the street – there was no reason to talk to me and the second mistake was that he refused to ticket the vehicle. Now I also found out that what I strongly believe that this vehicle was owned by a girlfriend of Officer Radar who lived up the street and that was renting from the Judge.

Mr. Szwejbka: What were the dates on these?

Mr. Tota: I believe that was Christmas Day in 2007.

Mr. Szwejbka: 2007? That's kind of...

Mr. Tota: Well, that was under Chief Radar's tenure.

Mr. Szwejbka: There's really nothing we're going to be able to do to take action on that. I mean I don't know what the facts were; but we're not going to do any action on something that happened in 2007.

Mr. Tota: Right. I mean it would be up to me to take a civil action – I mean if I have time, I will do it if I still have time under the Statute of Limitations. The reason I'm bringing these in is for verification.

Mr. Szwejbka: Okay.

Mr. Tota: ...and showing the history of problems in the neighborhood who nobody believes they are there. This is a statement from my neighbor – he gave it to me today. He lives at 13 Arnold Street and he's stating in his statement exactly what I've stated. I spoke to Mr. Jason Basile who lived next to me for a period of time on 44 Sherman Street. He's no longer a resident there. He did approach me a few years ago and stated that there was a noise issue and in particular a vehicle that was allowed to drive by every day with a loud radio that was very annoying. I asked him if I could use that statement tonight and he said "yes." Mr. Basile can be reached at Brigiotta's. I'm not exactly sure what his phone number is, but he was living for a long period of time on 44 Sherman which is right next to my house on Sherman Street and I did get a statement from him. I asked him if I could use that particular statement and he said "go ahead." I invited him to come up here and he said he was too busy and Steve also said that he couldn't make it so he wrote me a statement and said "if you would like to call me I'd be happy to..."

Mr. Szwejbka: Is that Steve's number on there?

Mr. Tota: Yes.

Mr. Szwejbka: Okay.

Mr. Tota: The other issue's with the neighborhood and I've spoken with the DOT today. The reason I called him was I was looking for some advice concerning...this is an example of the congestion...even though it's an old picture, you have a bus that goes by there every day and every hour during the day. You can get problems like this where you've got a lot of traffic. The Chief argued originally that it was a high traffic area, he said later that it was not. I argue that point. It is a very high traffic area – you have a hospital there. There are people committing infractions as these pictures have shown. I have probably 30 or 40 cameras that are a little bit more up to date and if you want me to develop the pictures, I'll be happy to bring them in and bring everything up to date. I take pictures constantly because I'm annoyed constantly. When I sit on my front porch, I'll get car after car that comes by with an illegal exhaust.

I'll look down on them and see a car coming from Maple Street and this happens just about every time in the last two years – they'll slow down as they're approaching in my direction. They'll make a left onto Arnold and they'll be in the left lane. Now, I don't know why, but they're 100% lined with someone due different vehicles come down in the same manner, and turn into the same left lane illegally – every single time. Every single day that I'm sitting on my porch. These are questions that eventually I hope to find an answer to. I have evidence to lead me to believe why they're doing it and I'm going to support that evidence hopefully, or unhelpfully, if this is never resolved probably in a civil action against the City. I remember Mr. Olson was listening to me the first time that I was here and I threatened to start a civil action. I was involved in the hospital after that and I could not do it, but I believe I have continual violations I can use as a basis...

Mr. Szwejbka: I'm going to stop you here just...and again, I think we all agree that there's probably bad drivers in the City of Jamestown. There's bad drivers on your street; but we're at limited resources that the Chief cannot...he's got to use his human resources as best possible. It wouldn't behoove him, but he can speak for himself, he can't assign a person there permanently to watch Arnold Street.

Chief Snellings: I will jump in there Mr. Szwejbka. Mr. Tota and I have had several conversations. I can sympathize with his issues because I live in the City myself. I have people who drive by my house with loud music; I have people that drive by with loud mufflers, so I understand where you're coming from. What I did do, because I know that this has been an ongoing issue for Mr. Tota with my predecessors because I've actually had to go down there and check the area. I've had our Traffic Investigator, Officer Shea, who has continuously checked that neighborhood; in fact, last week he sat in Mr. Tota's driveway for an hour and a half and I followed up with Tommy and he hasn't written a single citation. Not to say that there aren't infractions that occur, but while he's observing the traffic during that time period and he's put in hours – I think at least 12 hours during the last two weeks. Mr. Tota and I have discussed this issue to at least try to get a feel for it, and if necessary, write infractions and we're going to continue to do that. When the weather breaks, we'll put out a speed trailer in that area so we can actually see what the speeds actually are. You know, in our conversation, we talked about the traffic volume. I kind of argued that Foote Avenue sees more traffic going to the hospital, but obviously there's some traffic that cuts through Sherman to get to the hospital. But, that's what we've been doing for you Mr. Tota. I have taken your complaints. I think you know that; in fact, you've spoken to Officer Shea several times – correct?

Mr. Tota: Yes. Well, I've seen him twice – I've spoken to him. The only response I'd like...well, I'd like to address your statements. First, as far as that I have seen, I've spoken to Officer Shea twice – I've seen him there three times. On two different occasions when I personally spoke with him, he was parked in my driveway. His vehicle was facing the street on Arnold Street and his vehicle was encroaching the

sidewalk. One time I was coming home from Erie, I was taking a relative to the doctor and I came back and I had forgotten that I had left my vehicle in my garage and I was heading for his house on the arterial, and I happened to look down and I saw Officer Shea – I could plainly see him on Arnold Street. I went around the block to be dropped off at my house and then turned left on Maple. I could plainly see him in my driveway. You're not going to catch people when you're encroaching on the sidewalk and your SUV is plainly visible. I literally watch people slow down when they turn around the corner and view the SUV and it's a deterrent while it's there I can grant that. But if it's not there, people will go by and I have a tape here of loud vehicles going by when Officer Shea's parked in my driveway. Now, I'm in my house and I can hear illegally loud vehicles going by my house when Officer Shea's there so whether Officer Shea is addressing the problem, I don't believe he is, because when he's personally there, there were violations. All my tapes are documented according to the time and the date, and as I stated, the position of Officer Shea in the driveway is a deterrent, but it's not going to do any good if you're not going to ticket anybody and you give them prior notice. If you're going down the street and you run into a road check, which I have several times, you're caught by surprise and road checks, especially around New Year's on North Main Street, they're deliberately positioned where you are caught by surprise so you don't have an alternative. You don't have a way to turn or a way to avoid the road check and in this instance, if you're going to plan on speeding down a small street which they do at 35-45 m.p.h. and bottom out on the street, they're not going to do it as soon as they see a police car when they go around the corner. Those are issues that I believe the ticketing issue you have to have somebody there – Chief Snellings and you stated that he couldn't have people there 24/7 and I'm not looking for that and I don't expect that. I'm trying to live a realistic life, but I'm not getting a realistic response and I'm not getting realism on that street when it comes to traffic infractions. By realism, I mean, a host of infractions that people are deliberately getting away with. Two years ago...

Mr. Szwejbka: Let me stop you right there. What would be your solution? What do you want to do? What would you want to do? Without any pictures, without any tapes – we're not going to listen to tapes at this point – what would you want done there?

Mr. Tota: Speaking with the DOT, Mr. Messina, I spoke with him twice today – he said it is illegal to post a 25 m.p.h. speed limit on a linear highway without curves so that brings into play these pictures in which there are no signs for slowing down on Prather on an ER where's there's 27 units, three triage where people are in wheelchairs and crutches crossing the street. Now the new lot opposite the ER is on Prather. There's absolutely no warning for vehicles or pedestrians or the people traffic to the drivers that are in an area where there's such a high traffic of people that are trying to use an ER and to be honest with you, I don't understand why there's no postings there. Every single hospital I've ever been to either has a slow posting or a 5 m.p.h. speed limit...

Mr. Szwejbka: So you're saying on Arnold Street, your street, that you've got signs or you're looking at Prather?

Sherman Street Noise Concerns

Mr. Tota: Now on Sherman, there's a small section of Sherman that's still being used that's opposite a huge lot and I watch people go back and forth there and as I showed you a picture of the bus, there is no markings and you can see there's no stop sign on the corner of Sherman and Arnold; there's no parking from here to the corner; and there are no other markings for speed in that area. Now, I'm talking about from Prather, Sherman between Foote and Sherman, from Prather to Arnold – there's nothing there. I watch people go down Prather about 35 m.p.h.. They'll stop at the stop sign and they'll go through, cross the street and use the lot at the hospital for a short cut. They'll turn up Garfield and go up Maple. The other hard part of this is that the WCA Hospital – I've contacted them several times, and they refuse to do anything and as an employee – a huge employee of the City – and with that type of responsibility to do nothing – I don't understand why they are so irresponsible and indifferent and callous not only to the neighborhood, but look at their own patients.

Mr. Szwejbka: Okay. So you're saying that WCA Hospital needs to put up more signs?

Mr. Tota: Somebody has to. I believe they should have been working with the City especially when they built a new ER to try to get...now when I spoke to the DOT, a 25 m.p.h. speed limit is the absolute minimum and you cannot be posted in New York State below that. I found a few facts back and forth. That was one of them. You cannot put a hospital zone sign up, although you can put a hospital indicator sign up showing where the hospital route is, but the hospital zones are not allowed in New York. Anything under 25 m.p.h. is confined to school zones. So that's the base limit and as he explained to me this afternoon when I spoke to him, it probably won't be a deterrent anyway, he said, you're going to need enforcement and he explained the same to me that the Chief has that enforcement is not...there's not a lot of enforcement around. It needs to be...

Mr. Szwejbka: The only thing like the Chief said continued enforcement, we can't do anything at this time authorizing that WCA Hospital put up signs. We can have Jeff Lehman take a look and see if he thinks anymore signage on the side streets ...

Mr. Tota: Well, there's nothing there. There's no stop signs...

Mr. Szwejbka: That's what we're asking if we can put some more up to slow it down.

Mr. Tota: ...and actually the City has a jurisdiction over signs. You don't really need DOT approval unless you...but the compliance with Dept. of Transportation...

Mr. Szwejbka: ...if we could just have Jeff look at these intersections and see...

Chief Snellings: I'll follow up with Officer Shea...and I'll relay your concerns...

Mr. Szwejbka: It is a concern – it's a quality of life form, obviously, I know when the College went and built all the dorms by my house – it's crazy. I can't even cross my street. Every morning I get up there's McDonald's and Tim Horton's garbage all over my yard. It makes you mad – I understand. My dog's almost been hit a couple of times because people speed up and down the road so I understand.

Mr. Tota: That's the whole issue – someone's going to get hurt. I talked to the hospital, requested them to put signs up for locking devices when someone uses the locking horn. They refused to do that so I don't know how far we can get with the signs because they don't want to cooperate with me and I'm listening to that every day now - locking horns – especially that you have the new ER there and it's all hours of the night – because there's an ER, it's 24 hours long and people are just being abusive there. I asked them to put a sign up to refrain from using locking devices in their parking lots. They specifically called me back and said they weren't going to do it.

Mr. Szwejbka: Let's let Chief and let's let Jeff Lehman from DPW – take a look. It's not going to be instantaneous, it's not going to happen overnight.

Mr. Tota: I understand.

Mr. Szwejbka: Let them take a look at it. Maybe by Spring, Summer, we can come up with some solutions because obviously it's a concern and something we need to look at.

Mr. Tota: Primarily, there's a traffic issue there – I mean that's what's constantly there – and the other terrible possibility is could be a person injured.

Mr. Szwejbka: Okay. Thank you.

RESOLUTIONS

1. RESOLVED, That the Mayor of the City of Jamestown be, and he hereby is, authorized and directed to accept a grant from the Federal Emergency Management Agency (FEMA) and the Department of Homeland Security (DHS) as a part of the 2012 Assistance to Firefighters Grant in the amount of \$60,000 with the local share being \$6,000, and be it further

RESOLVED, that the monies will be utilized by the Jamestown Fire Department to purchase one Self-Contained Breathing Apparatus (SCBA) Compressor with fill station subject to the approval of the Corporation Counsel as to form.

Deputy Chief Harvey: Actually it's even more needed. The one we have now is down. It broke Thursday – we're trying to fix it in-house. If we don't fix it in-house it's \$100.00 an hour from the time the guy leaves Hamburg to come down to fix it.

Mr. Szwejbka: So this will be of great assistance.

Deputy Chief Harvey: We are writing the specs to get the new one.

Mr. Whitford: Will it be updated?

Deputy Chief Harvey: Yes it will be a whole new...it's a unit that compresses and stores air and you have to have an enclosure so the bottles don't explode and hurt people so it's all in one unit.

The members agreed that a resolution be prepared for the February 25, 2012 meeting.

2. RESOLVED, That Sergeant Shane Swan be, and he hereby is, authorized to attend the 2013 Tactical Conference in Verona, New York, April 22-25, 2013 with expenses paid pursuant to Section 77-b of the General Municipal Law.

Chief Snellings: He's going as a hostage negotiator so his training will be specific to negotiations.

The members agreed that a resolution be prepared for the February 25, 2013 meeting.

3. RESOLVED, that the Jamestown Police Department be, and it hereby is, authorized to enter into a purchase agreement with Delacy Ford, 3061 Transit Road, Elma, New York for two (2) 2013 Ford Interceptor Sedans at a cost of \$24,825 per vehicle with expenses paid through STOP-DWI funds.

Chief Snellings: One is to replace the actual DWI car and the other one is the last front line car. We did receive three bids – one from Shultz Ford, one from Van Bortel and the other one from Delacy.

Mr. Szwejbka: That's an excellent use of funds paying for that.

The members agreed that a resolution be prepared for the February 25, 2013 meeting.

NEW BUSINESS

Gary's Carstar Towing Rate Card

The members review a proposed 2013 rate card.

The members approved the request.

Parkview Ave. Traffic Speed Concerns

Mr. Olson: We got a phone call indicating that people were cutting from one area to another – Camp to Parkview and indicating that they were speeding.

Mr. Szwejbka: We just pass this on to traffic and then take a look at it.

Mr. Chief Snellings: Is there a specific time of the day?

Mr. Olson: I think she indicated more in the mornings, but I'll double check for you. It was an email or a letter that I got.

PUBLIC SCHOOL PATROLS

Mr. Whitford: I've noticed patrols around the schools. I'm at two or three different schools every morning so...certainly appreciate that – that helps keep the traffic down and the kids safe. They do a really good job.

Chief Snellings: I don't know if I discussed this with the Public Safety Committee but one of the things that we initiated after Sandy Hook – we had a meeting with the administration of the school and we discussed the whole School Resource Officer – that's not realistic for us. So we've done a couple of things. Obviously, we've always done school zones and we've continued to do that. One of the things that I offered to them and they accepted; periodically during the day, our officers within their zones – the schools that are within their zones – they stop, they enter the school, they check in – it's a beat assignment for them. They do five-ten minutes inside the school and it's worked well for us. The schools have been very

receptive it's very low key but our officers are seen, they interact with the kids, the staff, or they just walk around the school and it's worked well for us.

Mr. Whitford: I've noticed that the Principals and some of the teachers there are really attending to the doors – the side doors, like at Bush where they weren't before. They'd open the door and the kids would file in, but they were opening it, greeting the kids and the parents and monitoring the comings and goings.

Chief Snellings: When I met with the Administrative Staff, we discussed the lock-down procedures and what we expect from them, how we're going to respond. We discussed some of their issues within the schools, then actually did a lock-down assessment for Jefferson. The Principal requested a lock-down. We scheduled a lock-down; parents were made aware of it. They initiated lock-down and I walked around myself with Capt. Samuelson and the Principal and we actually evaluated what they were doing, made a few suggestions. They've been very supportive and kind of real receptive to the suggestions.

Mr. Whitford: Excellent. I for one, really appreciate what JPD's doing in the schools.

There being no further business, the meeting was adjourned.

James N. Olson
Director of Financial Services/City Clerk