

March 18, 2013

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, March 18, 2013 at 7:30 p.m.

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

Others Present: Mayor Teresi, Corporation Counsel Marilyn Fiore-Lehman, Police Chief/Director of Public Safety Harry Snellings, Matt Hanley, Executive Assistant to the Mayor, Director of Development Vincent DeJoy, Comptroller Joe Bellitto, Battalion Chief Don Woodfield and Director of Public Works Jeff Lehman

Council President Rabb called the meeting to order and led the assembly in the Pledge of Allegiance to the Flag.

The Invocation was given by the Rev. Jim Reed of the Bethel Baptist Church.

Councilman Spitale moved to approve the minutes from the February 25, 2013 meeting.

REPORT OF STANDING COMMITTEES

FINANCE

201303B01

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 \$2,456,938.12 in accordance with the period ending March 18, 2013, 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 \$1,825,721.53 and payrolls in the total amount of \$631,216.59, 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

Councilman Taylor arrived.

March 18, 2013

201303B02

BY COUNCILMAN DOLCE:

RESOLVED, That warrants be drawn and paid to the respective owners and paying agents the sum of nine thousand eight hundred seventy-eight dollars and thirteen cents (\$9,878.13) in accordance with the bond and note requirements as follows:

Public Improvement Bonds, Series A, issue of March 9, 2006, nine thousand eight hundred seventy-eight dollars and thirteen cents (\$9,878.13) for six months interest at 3.625% per annum on five hundred fifteen thousand dollars (\$515,000).

Note: Refunding of 1999B (partial) issue. Interest savings \$3,935.62 for this payment.

Carried: 9 ayes, 0 nays

201303B03

BY COUNCILWOMAN CARRUBBA:

RESOLVED, That warrants be drawn and paid to the respective owners and paying agents the sum of sixteen thousand five hundred ninety-seven dollars and fifty cents (\$16,597.50) in accordance with the bond and note requirements as follows:

Public Improvement Bonds, issue of October 15, 1991, fifteen thousand dollars (\$15,000.00) principal and one thousand five hundred ninety-seven dollars and fifty cents (\$1,597.50) for six months interest at 7.10% per annum on forty-five thousand dollars (\$45,000).

Carried: 9 ayes, 0 nays

201303B04

BY COUNCILWOMAN CARRUBBA:

RESOLVED, that Engineering Technician Matthew Robinson be, and he hereby is, authorized to attend a course entitled "Introduction to GIS" conducted by American Sentinel University, Inc., March 18, 2013 to May 12, 2013 with tuition paid pursuant to Section 77-b of the General Municipal Laws of the State of New York, and be it further

RESOLVED, that within two weeks of the completion of such course, the employee shall submit a written report of the training to the Finance Committee.

Carried: 9 ayes, 0 nays

March 18, 2013

PUBLIC WORKS

201303B05

BY COUNCILWOMAN ECKLUND:

WHEREAS, the Planning Commission of the City of Jamestown voted on February 19, 2013, to recommend to the Jamestown City Council that a portion of Lafayette Street between West Second Street and West Third Street, be abandoned by the City of Jamestown as public street, and

WHEREAS, it has been determined that the City of Jamestown no longer requires the aforesaid property known as a portion of Lafayette Street, and

WHEREAS, notice of the City of Jamestown's intention to abandon the aforesaid property was published in The Post-Journal on March 8, 2013 and thereafter a public hearing was held on March 18, 2013, in accordance with the provisions of Section 29 of the General City Law, and

WHEREAS, notice has heretofore been sent by registered mail, return receipt requested, to the persons and addresses noted on the last preceding real property tax notice issued on the property which abuts the City-owned property above-described, in accordance with the provision of Section 29 of the General City Law, and

WHEREAS, the City Council of the City of Jamestown concurs with the recommendation of the Planning Commission aforesaid; now, therefore, be it

RESOLVED, That the City-owned property described as a portion of Lafayette Street, as shown on the Official Tax Map of the City of Jamestown, be and the same hereby is abandoned to abutting property owners, and be it further

RESOLVED, That the Assessor and Director of Public Works of the City of Jamestown

be and they hereby are authorized and directed to amend the Official Map of the City of

Jamestown to reflect the abandonment of the above-described property, and be it further

RESOLVED, That the Mayor be, and he hereby is, authorized and directed to execute quit claim deeds conveying all of the City of Jamestown's right, title and interest to the abutting property owners of the portion of Lafayette Street, measurements to be determined by the Director of Public Works.

JSBA Parcel (westerly half and southeasterly quarter of Lafayette Street)

ALL THAT TRACT OR PARCEL OF LAND, situate in the City of Jamestown, County of Chautauqua and State of New York and being part of Lot 34, Town 2, Range 11 of the Holland Land Company's Survey and being bounded and described as follows:

Beginning at a point in the southerly bounds of West Third Street at its intersection with the westerly bounds of Lafayette Street (70' wide), said point being located 319' easterly from the intersection of the southerly bounds of West Third Street with the easterly bounds of Jefferson Street; thence easterly along the southerly bounds of West Third Street 35' more or less to a

March 18, 2013

point in the center of Lafayette Street; thence southerly along the center of Lafayette Street to a point marking the intersection of the center of Lafayette Street and the westerly extension of the north face of a 2 story masonry commercial building now known as 212 West Second Street; thence easterly along the westerly extension of the aforesaid north building face to the easterly bounds of Lafayette Street, said point being approximately 100.80' north of the intersection of the easterly bounds of Lafayette Street and the northerly bounds of West Second Street; thence southerly along the easterly bounds of Lafayette Street to its intersection with the northerly bounds of West Second Street; thence westerly along the northerly bounds of West Second Street to the westerly bounds of Lafayette Street; thence northerly to the point and place of beginning.

EXCEPTING AND RESERVING from the above described parcel all that tract or parcel of land, situate in the City of Jamestown, County of Chautauqua, State of New York and being part of Lot 34, Town 2, Range 11 of the Holland Land Company's Survey and being further bounded and described as follows:

Beginning at a point in the northerly bounds of West Second Street at its intersection with the easterly bounds of Lafayette Street, said point of beginning being also located at a distance of 62.65' more or less as measured along the northerly bounds of West Second Street from its intersection with the westerly bounds of the former Rose Alley; thence northerly along the easterly bounds of Lafayette Street 100.80' more or less to a point, said point being located at the intersection of the easterly bounds of Lafayette Street and the westerly extension of the north face of a 2 story masonry commercial building now known as 212 West Second Street; thence westerly along said westerly extension of said north building face 22' more or less to the back of the concrete curb as it existed in 2013; thence southerly and parallel to the easterly bounds of Lafayette Street at a distance of 22' more or less there from to the northerly bounds of West Second Street; thence easterly along the northerly bounds of West Second Street to the point and place of beginning.

201 Parcel (northeasterly quarter of Lafayette Street)

ALL THAT TRACT OR PARCEL OF LAND, situate in the City of Jamestown, County of Chautauqua and State of New York and being part of Lot 34, Town 2, Range 11 of the Holland Land Company's Survey and being bounded and described as follows:

Commencing at a point in the southerly bounds of West Third Street at its intersection with the westerly bounds of Lafayette Street (70' wide), said point being located 319' easterly from the intersection of the southerly bounds of West Third Street with the easterly bounds of Jefferson Street; thence easterly along the southerly bounds of West Third Street 35' more or less to the center of Lafayette Street and the point and place of beginning of the parcel herein described; thence continuing easterly along the southerly bounds of West Third Street 35' more or less to a point, said point being located at the intersection of the southerly bounds of West Third Street and the easterly bounds of Lafayette Street; thence southerly along the easterly bounds of Lafayette Street to a point, said point being located at the intersection of the easterly bounds of Lafayette Street and the westerly projection of the north face of a 2 story masonry commercial building now known as 212 West Second Street, said point also being located 100.80' more or less north as measured along the easterly bounds of Lafayette Street from its intersection with the

March 18, 2013

northerly bounds of West Second Street; thence westerly along said westerly projection of said north building face to the center of Lafayette Street; thence northerly along the center of Lafayette Street to the point and place of beginning.

It being the intent of the above description to convey all of that portion of Lafayette Street lying between the northerly bounds of West Second Street and the southerly bounds of West Third Street not previously conveyed to TLJKBJ, LLC or Jamestown Center City Development Corporation.

TLJKBJ, LLC Parcel (area between curb and Shawbucks)

ALL THAT TRACT OR PARCEL OF LAND, situate in the City of Jamestown, County of Chautauqua and State of New York and being part of Lot 34, Town 2, Range 11 of the Holland Land Company's Survey and being bounded and described as follows:

Beginning at a point in the northerly bounds of West Second Street at its intersection with the easterly bounds of Lafayette Street, said point of beginning being also located at a distance of 62.65' more or less as measured along the northerly bounds of West Second Street from its intersection with the westerly bounds of the former Rose Alley; thence northerly along the easterly bounds of Lafayette Street 100.80' more or less to a point, said point being located at the intersection of the easterly bounds of Lafayette Street and the westerly extension of the north face of a 2 story masonry commercial building now known as 212 West Second Street; thence westerly along said westerly extension of said north building face 22' to the back of the concrete curb as it existed in 2013; thence southerly and parallel to the easterly bounds of Lafayette Street at a distance of 22' there from to the northerly bounds of West Second Street; thence easterly along the northerly bounds of West Second Street to the point and place of beginning.

EXCEPTING AND RESERVING there from that portion of the above described parcel those lands contained in the following description:

ALL THAT TRACT OR PARCEL OF LAND, situate in the City of Jamestown, County of Chautauqua, State of New York and being part of Lot 34, Town 2, Range 11 of the Holland Land Company's Survey and being further bounded and described as follows:

Beginning at a point on the northerly bounds of W. Second Street at the southeasterly corner of lands previously conveyed to the City of Jamestown as described in Liber 2456 at page 366, which point is located 58.28' easterly from the easterly bounds of Lafayette Street as the same was located prior to 2001; thence northerly, along the easterly bounds of the said land of the City of Jamestown and relocated Lafayette Street, a distance of 26.00' to a point; thence westerly, perpendicular to the last described course, a distance of 8.00' to a set rebar w/cap; thence northerly, perpendicular to the last described course, a distance of 72.30' to a set re-bar w/cap; thence easterly, perpendicular to the last described course, a distance of 8.00' to a point on the easterly bounds of relocated Lafayette Street; thence northerly, perpendicular to the last described course, a distance of 2.50' to a point; thence easterly, forming an angle of 90°-03' in the southeasterly quadrant with the last described course, a distance of 1.72' to the northwesterly corner of those lands previously conveyed to Kurt B. Johnson as described Liber 2342 of Deeds at page 240; thence southerly, along the westerly line of the said lands of Johnson and parallel

March 18, 2013

with the first described course, a distance of 100.80' to the southwesterly corner of the said lands of Johnson on the northerly bounds of W. Second Street; thence westerly, along said street line, a distance of 1.72' to the point and place of beginning, according to a boundary survey prepared by Steven R. Gustafson, P.L.S. dated September 1, 2006.

The above excepted lands being a portion of the premises conveyed from Kurt B. Johnson to TLJKBJ, LLC by deed dated December 31, 2008 and recorded in the Chautauqua County Clerk's Office on January 2, 2009.

This conveyance is made and accepted subject to any and all utility easements, rights-of-way on records, other easements and restrictions that may validly affect the above described parcel. This conveyance is made pursuant to Resolution of the City of Jamestown City Council adopted March 18, 2013.

Carried: 9 ayes, 0 nays

201303B06

BY COUNCILMAN SPITALE:

RESOLVED, that the Mayor be, and he hereby is, authorized to enter into an agreement with Greenman-Pedersen, Inc., 4950 Genesee Street, Buffalo, NY 14225 for professional engineering services including preparation of construction documents, services during bidding, and services during construction for the Tracy Plaza Parapet Wall Removal and Replacement project at the Municipal Building, 200 E. Third Street, Jamestown, NY, in accordance with its proposal of March 7, 2013, for an amount not to exceed Sixty-six Thousand Dollars (\$66,000.00).

Carried: 9 ayes, 0 nays

PUBLIC SAFETY

201303B07

BY COUNCILMAN SZWEJBKA:

RESOLVED, That the Board of Public Utilities be, and it hereby is, requested to install one new 150W antique "period matchstick light" at the following location:

McCrea Point

Carried: 9 ayes, 0 nays

HOUSING

201303B08

BY COUNCILMAN WHITFORD:

WHEREAS, the Chautauqua County Land Bank Corporation (CCLBC) was created in 2012, one of the first five land banks in the State of New York, with a mission to find positive re-uses and capable owners for vacant and foreclosed properties in Chautauqua County; and

WHEREAS, the CCLBC's goals are closely tied to the neighborhood revitalization strategies outlined in '**City of Jamestown, New York: A Livable Community,**' a plan adopted by the Jamestown City Council in December 2010; and

WHEREAS, the CCLBC has plans to gradually implement a three-pronged approach to its activities, including demolition of unsalvageable properties, finding capable developers to rehabilitate salvageable properties with a preference toward owner-occupancy, and the disposition of vacant lots to adjacent property owners who will maintain and pay taxes on those lots; and

WHEREAS, the CCLBC intends to work closely with City of Jamestown agencies and officials to ensure coordination of goals and activities; and

WHEREAS, the CCLBC will utilize a variety of resources to support its work, including income from property sales and grants from foundations and governments, and will work with the City of Jamestown to identify opportunities where the CCLBC and City can together compete for resources or pair their resources; and

WHEREAS, representation from the City of Jamestown Department of Development on the CCLBC board is a principal of the organization's governing structure; now therefore be it

RESOLVED, that the Jamestown City Council hereby supports the mission and work of the Chautauqua County Land Bank Corporation.

Carried: 9 ayes, 0 nays

NEW BUSINESS

Councilman Dolce: Thank you Mr. President. I just wanted to go over, as we did upstairs, our Comptroller Joe Bellitto gave us the 2012 General Fund year end summary. The bottom line is we had a deficit of \$268,043.96. Certainly there were some highlights in there, we were down quite a bit on revenue, but our expenditures also came in under budget which was good news; so it was a mixed bag and I would appreciate it if the media wants to stay around, I asked Comptroller Bellitto to give some specifics and some highlights to them if they have any questions or concerns over that so the books are closed on 2012.

Councilman Szwejbka: Thank you Mr. President. Just very briefly, 50 years ago today, a very important Supreme Court Case was decided – Gideon vs. Langwright on a 9-0 vote was approved. Supreme Court extended the right to an attorney for all defendants arrested for a crime. Clarence Gideon was arrested in Florida. He was a poor guy, couldn't afford an attorney and he challenged the law as it stood at that time. It was only applied to Federal cases, and he

March 18, 2013

won. Why do I mention it? Because today in that same Public Defender office, Mr. Gideon would not get an attorney and Public Defender offices across the country, budget cuts are causing many defendants who cannot afford an attorney to not get an attorney and that's something I think we all should try to do whatever we can to try to improve, somehow correct, because if we're going to have equal justice for all, we need to make sure everyone has the right to an attorney, as Supreme Court Justice Hugo Black so gallantly fought for back in 1963. Thank you.

Councilman Dolce: I just want to say that I'm very impressed with Mr. Szwejbka's U.S. History knowledge on that.

Councilman Szwejbka: I teach Constitutional Law at the University – thank you.

President Rabb: Do you want to return the compliment Mr. Szwejbka?

Councilman Szwejbka: Thank you.

There being no further business, the meeting was adjourned.

James N. Olson
Director of Financial Services/City Clerk