

August 25, 2014

City Council

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Proceedings by Authority

State of New York  
City of Jamestown           ss:  
City Council Chambers

A meeting of the City Council of the City of Jamestown, New York was held on Monday, July 28, 2014 at 7:30 p.m.

Members Present:     Council President Greg Rabb and Council Members, Brent Sheldon, Tony Dolce, Tamara Dickey, Marie Carrubba, Maria Jones, Paul Whitford, Kim Ecklund, George Spitale

Members Absent:

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

City Council President Greg 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. Maria Jones.

Councilman Spitale moved to approve the minutes from the July 28, 2014 meeting.

### **MESSAGES FROM THE MAYOR**

201408A00.01

Mayor Teresi:       It has been no secret to most that I have always taken it personally the downsizing, closure, or relocation of any local business. And the formal announcement earlier today from the Rich Entertainment Group from Buffalo that they will be relocating their Jamestown-based, New York – Penn League franchise to a new facility on the West Virginia University Campus in Morgantown is certainly no exception.

In fact, I'd also be less than truthful with you if I didn't admit that this one, for yours truly and thousands of our fellow Jamestowners, really hurts.

Over the years, baseball at Municipal Stadium, now known as Diethrick Park, has been a business that has provided and supported dozens of jobs and has served as a key component of our region's diverse, robust, and growing tourism industry.

Additionally, baseball has been an important part of our lives, our history, our heritage, for three quarters of a century now. It is one of those important features that has put us on the

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map, adds significantly to our business and residential quality of life and in some ways has helped to define who we are.

Today, like you and countless others, I'm feeling as if we are not only losing a valued business, but we are parting ways with a good old friend and shedding a piece of who we are.

I think that for some time now, many of us have known, in both our heads and our hearts that it was only a matter of time before this day could come.

During the past couple of decades, minor league baseball, as a business, has changed dramatically. Short season "A" ballclubs that existed successfully for generations in small cities like Elmira, Niagara Falls, Schenectady, Utica, Watertown, Geneva, Newark and Oneonta are all but gone from the landscape and have relocated to major markets like Brooklyn, Staten Island, Youngstown, Ohio, Aberdeen, Maryland, Tri Cities New York, State College, Pennsylvania and now the WVU Campus in Morgantown, West Virginia.

Intimate, comfortable, classic ballparks have been replaced in their new urban settings with larger, modern, state of the art facilities complete with corporate luxury suites, premium seating opportunities, large video display screens, food courts, club restaurants and a whole host of other revenue generating features.

In short, New York's Pearl City has been bucking the trend now for years. And the tide of the big business reality of modern baseball finally caught up to and overtook us earlier today.

The fact that a short season class "A" minor league team remained here for as long as it has... long after the departure of most of our other small market peers... is a testimony to several things.

The support of a large, very knowledgeable and loyal fan base. What I refer to as real baseball fans.

A community of small and mostly local business owners and community organizations that opened up both their hearts and wallets to buy tickets, fence signs, program advertising, tent parties and made just plain outright donations.

Great ownership over the past several decades including our own Mr. Baseball, Russ Diethrick, who literally saved the Jamestown franchise from extinction in the early and mid-1960s with regular monetary contributions out of his own pocket; the Montreal Expos who owned and operated the Jamestown franchise throughout the 1970s, the 1980s, and the early 1990s. This was one of only a few minor league franchises owned outright by a major league organization and that was the former Montreal Expos. And most recently, Bob and Mindy Rich who brought the current team here in 1993 and through the president of their entertainment group, John Dandes, have worked diligently and effectively with us over the past twenty-one years.

And finally, a great classic, historic ballpark that the residents and taxpayers of this city have continuously invested in (to the tune of several million dollars over the past 15-20 years) and repeatedly upgraded the facility to ensure that the complex remained as one of the best maintained in the nation.

As disappointed and even hurt as we may be at this moment, let's all work to keep one thing firmly in mind. This has always been, is, and will always be a good town... a resilient place, filled with great people that have proven time and again over the years that when we are faced with adversity, we pick ourselves up, dust ourselves off and find a new way and move on.

I can assure you that this process is already well underway with various folks researching and pursuing new franchise opportunities in other highly competitive quality baseball leagues. Remember, all of the key ingredients are in place here:

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A loyal, knowledgeable fan base.

A ready, willing, and able business support community.

And one of the best historic classic ballparks to be found anywhere.

In the words of the great “Yogi Berra”, “it ain’t over till it’s over”. And if the fans, business sponsors, and community leaders of the Greater Jamestown area have anything to say about it, I truly believe that Yogi will be right once again.

Stay tuned. We just might take this game into extra innings.

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

Mr. Keppel: I’m Jeff Keppel, I live on South Avenue. Unfortunately, I’m on the half that’s in Kiantone, not in the City of Jamestown, but on occasion I get to call the Jamestown Police because they’re allowed to come down on the other half and scurry the people off of the dead end. We have an individual that has purchased the old Kidder farm behind me. This individual has now gone and opened up the dead end and along with opening up the dead end, he sits back there every Saturday and every Sunday and backs down all of Brad Street and backs down South Avenue all the way to the dead end with huge dump trucks unloading gravel and rock from a quarter of seven in the morning every Saturday and Sunday. I’ve gone to the Town of Kiantone meetings like I’ve been advised to do, that doesn’t get me anywhere. I’m still pursuing stuff along those lines too. I’ve talked to a lot of my friends here on the City Council with this too and they’ve been helpful as well as some of your staff too. This can’t continue on. This has been six years of this guy back there digging and supposedly he went through the DEC and has a pond project. It was my understanding that when you do anything this close to the City, the City has to be aware of it. When I’ve talked to people with the City, nobody’s aware of it. For a short period of time, the City was dumping some gravel and rock there on his behalf. I’m glad that that came to a stop. He doesn’t need any help to make any more noise. So I appreciate that. If you did get entertained for that again, that that doesn’t occur. But, we’ve got small children in the area, it’s a neighborhood area. That area where he has the land, of course, is agricultural. The last time I knew, when you have agricultural land you either grow something or produce something. Nothing’s been produced out of it except noise and irritants. So I came here tonight to let you know about that. We have other people from South Avenue that are on the Jamestown side and also from Filbert Street too that have come to show support for us as well. Anything you guys can do to help us out we’d appreciate it. We are at our wit’s end. Like I said, our Village of Kiantone doesn’t help us at all. Thank you.

Mr. Rabb: Thank you.

Mr. Keppel: I do have a little property over on Hotchkiss Street too. My mother owns over there.

Mr. Rabb: Yes sir, Mr. Mayor.

Mayor Teresi: I’d just like it noted for the record that we have also reached out to the Town of Kiantone, their staff members, inquiring about what is happening there and reminding them that if they’re part of any type of action there it needs to be coordinated under the state SEQR law with the City of Jamestown and have put them on notice. I believe we’re also in the

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process of legally putting them on notice as well. At this point in time, the Town of Kiantone has indicated that they're unaware of what is happening there and what the future use of the property may be. So, that's the feedback we've received as well.

Mr. Rabb: Thank you.

Mr. Keppel: Sam thanks for that. I appreciate that and your efforts. They know what's going on there. I've FOIL'ed the stuff that they've gotten from the individual. It says it's going to be a pond project. I don't know why we need a big huge pond back there. You've got Jefferson school, Fletcher school, all these kids around here. I do have a little bit to do with the schools. It's ludicrous. Kiantone knows what's going on, they're well aware of it or whatever. We've had a lot of problems down there with people pulling down to that dead end and now having that street opened up like it is, it's horrible. Sam if you get a chance too and the police officer if you want to see those pictures. When you build a driveway, you don't build a driveway that's going to take a dump truck and big huge backhoes and bulldozers and everything.

Mr. Rabb: Thank you.

Dave Wilfong: My name's Dave Wilfong. I'm at 39 Norton Avenue in the City of Jamestown. I'm also a County Legislator, District 11. I came here tonight to go on the record to thank the Police Chief and his staff for trying to clean up Jamestown. I want everyone to realize that they have gone over and above and I really appreciate it and I know Ms. Dickey does too. I don't think you get the respect and the dignity that you deserve my friend. So keep up the good work I really appreciate it. Thank you.

Mr. Rabb: Thank you. Is there anyone else from the public that would like to address the public this evening?

## **STANDING COMMITTEES**

### **FINANCE COMMITTEE**

201408A01

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 \$4,120,133.69 in accordance with the period ending August 22, 2014, 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 \$2,911,777.27, and payrolls in the total amount of \$1,208,356.42, 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.

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Carried: 9 ayes, 0 nays

201408A02

BY COUNCILMAN DOLCE:

RESOLVED, that the Mayor of the City of Jamestown be and he hereby is authorized to enter into an agreement with the County of Chautauqua, in an amount not to exceed Eight Thousand, Four Hundred dollars (\$8,400), for the purpose of funding a portion of the 2014 Parks, Recreation and Conservation Department Summer Playground Program subject to the approval of the Corporation Counsel as to form.

Councilman Dolce: Thank you once again for that and as we go through the summer coming to an end, that actually was more money this year than had been in the past so we want to thank them for that.

Carried: 9 ayes, 0 nays

201408A03

By COUNCILMAN DOLCE:

RESOLVED, that the Mayor of the City of Jamestown be and he hereby is authorized to enter into an agreement with the Eighth Judicial District of the New York State Unified Court System from July 1, 2014 to June 30, 2015, in an amount not to exceed Forty-Nine Thousand Dollars (\$49,000), which agreement shall provide funding for the Jamestown Police Department to act as a full member of the Drug Court and be responsible for providing risk assessments, home visits, drug testing and routine reporting to the Court subject to the Corporation Counsel as to form.

Carried: 9 ayes, 0 nays

**PUBLIC WORKS COMMITTEE**

201408A04

BY COUNCILMAN SPITALE:

RESOLVED, That the bid submitted by S. Tabone Construction Co., Inc., 3712 Straight Road, Fredonia, NY 14063 for Concrete Work: Street Reconstruction 2014, W. 5<sup>th</sup> St. – Fairmount Ave. to Washington St., based on the bid opened August 1, 2014, in the following amounts, be and the same hereby is accepted:

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11000 SF Flat Work: 4 inch at \$5.15 SF  
6000 SF Flat Work: 6 inch at \$5.90 SF  
3400 LF Standard 18" Curb & Gutter: Slip-form at \$19.50 LF  
40 LF Standard 18" Curb & Gutter: Stationary Form at \$25.00 LF  
10 LF Steps at \$40.00 LF  
10 EA Core Drill: 4 inch diameter with 15' 4" drain pipe at \$ 80.00 EA  
30 TON Additional Stone at \$ 25.00 TON  
10 CY Additional Excavation: \$ 0.00 CY  
44 EA ADA Accessible Curb Cuts (detectable warning surface) at \$10.00 SF  
500 SY Brick Pavement Repair at \$125.00 SY  
200 SY Brick Relay Repair at \$90.00 SY

for a total bid amount of Two Hundred Forty-Two Thousand Two Hundred Forty Dollars (\$242,240.00), this being the lowest of three bids received meeting qualifications, and be it further

RESOLVED, That the Mayor be and he hereby is authorized to execute an agreement with S. Tabone Construction Co., Inc., which agreement will reflect the services to be performed by S. Tabone Construction Co., Inc., 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

201408A05

BY COUNCILMAN SPITALE:

RESOLVED, that the Mayor be and he hereby is authorized to execute Change Order #1 to the City Hall Window Glass Replacement contract with D & S Glass Service, Inc., 333 Fluvanna Avenue, Jamestown, NY 14701 (Resolution #201306B22) to include changes as follows

Credit for window that cracked during installation	- \$3,330.76
Install one (1) customer supplied Arch top window unit on 5 <sup>th</sup> Floor	+ \$1,694.82
Total DECREASE by Change Order #1	\$1,635.94

Said Change Order #1 is subject to approval as to form by the office of the Corporation Counsel.

Carried: 9 ayes, 0 nays

201408A06

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BY COUNCILMAN SHELDON:

RESOLVED, that the Mayor be and he hereby is authorized to execute Change Order #3 to the Tracy Plaza Parapet Wall Removal and Replacement contract with CPS Construction Group, Inc., 927 Route 910, Suite 200, Cheswick, PA 15024 (Resolution #201306B23), to include changes as follows:

Expense for additional waterproofing of 100' on the Prendergast St. side and completion of the remainder of the Second St. side not previously performed, as recommended by project Engineer, Greenman-Pedersen, Inc., per attached letters

Total INCREASE Change Order #3	\$13,589.00
Plus	8 days

Said Change Order #3 is subject to approval as to form by the office of the Corporation Counsel.

Carried: 9 ayes, 0 nays

201408A07

BY COUNCILWOMAN DICKEY:

RESOLVED, that the Mayor be and he hereby is authorized to execute Change Order #4 to the Tracy Plaza Parapet Wall Removal and Replacement contract with CPS Construction Group, Inc., 927 Route 910, Suite 200, Cheswick, PA 15024 (Resolution #201306B23), to include changes as follows:

73 calendar days beyond the agreed substantial completion contract date. In addition, the time extension resulted in \$2,110.00 in expenses for the City's representative

Total DECREASE Change Order #4	\$9,410.00
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Said Change Order #4 is subject to approval as to form by the office of the Corporation Counsel.

Carried: 9 ayes, 0 nays

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**PUBLIC SAFETY COMMITTEE**

201408A08

BY COUNCILMAN WHITFORD:

BE IT ORDAINED by the City Council of the City of Jamestown as follows:

Section 1. Section 249-5B. Fees of the Code of the City of Jamestown is hereby amended for as follows:

B. The fee for a not for profit special event vendor license shall be \$30 per day/per vendor. The fee for a for profit special event vendor license shall be \$60 per day/per vendor.

Section 3. This ordinance amendment shall be effective immediately.

Carried: 9 ayes, 0 nays

201408A09

BY COUNCILWOMAN JONES:

BE IT ORDAINED by the City Council of the City of Jamestown as follows:

Section 1. Chapter 131-1, Board of Electrical Examiners of the Code of the City of Jamestown is hereby amended as follows.

A. There is hereby created a Board of Electrical Examiners, which shall consist of five members appointed by the Mayor of the City, subject to confirmation by the City Council. Such Board shall include the Deputy Chief of the Fire Department, (or his designee,) who shall act as Chairman of the Board, the Building Inspector of the City, who shall act as Secretary of the Board without additional compensation; one representative of the Board of Public Utilities, (or his designee,) who shall be a licensed professional engineer; one electrical contractor with 10 years' continuous experience in the electrical contracting business and employing one or more journeyman electrician(s); and one electrician of 10 years' continuous experience installing electrical work. The local inspector of an approved electrical inspection company shall be retained in an advisory capacity at no remuneration.

Section 2. This ordinance amendment shall take effect immediately.

Carried: 9 ayes, 0 nays

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201408A10

BY COUNCILWOMAN CARRUBBA:

BE IT ORDAINED by the City Council of the City of Jamestown, New York, as follows:

Section 1. Section 290.49 One-Way Streets Enumerated of the Code of the City of Jamestown is hereby amended to delete thereto:

Alfred Street West from Hebner Street to May Street

Section 2. This ordinance amendment shall be effective immediately upon adoption.

Carried: 9 ayes, 0 nays

### **NEW BUSINESS**

Councilman Dolce: I just want to thank Mr. Keppel and the residents of the area and certainly we'll do what we can. Obviously it's an issue that's Kiantone's and our hands are kind of tied, but anything that the City staff can do to monitor it, try to find out what's going on there, what we can do from our end to stop some of that from happening and occurring. It sounds like it may end up being possibly a legal issue that you'd have to look at. I don't know if there's anything more from the Mayor's office or from DPW that we can do or from a police standpoint to stop some of the things that are occurring there, but again our staff is aware of it and will continue to monitor it. Thank you.

Dave Peterson 28 Filbert Street: That residential drive is a private drive for the Resource Center. When they put that Resource Center in they said South Avenue and Foote Avenue would never touch. That may be a Kiantone side, but Residential Drive is Jamestown property isn't it? That was a private drive put there – that was supposed to be a nursing home. They decided not to have a nursing home, then they put the Resource Center in. When they put the Resource Center in there, they put in a private driveway in. That guy's connected into that private driveway. Now he's connected Foote Avenue to South Avenue. So when they built the Resource Center, those two roads were never supposed to be touched. That's why they put that dead end in there. The residential drive is Jamestown, or it's a part of the Resource Center and the Resource Center is in Jamestown.

Councilwoman Dickey: I just want to echo and I've said it privately, but I will echo what Legislator Dave Wilfong said and I've said it to the Chief. The work that he's doing in Ward III here in the City is remarkable. I have told him personally, I have sent him emails. I do want to thank the Mayor and the rest of his staff as well as the Chief and his team. The work that I've seen, the results of, just over these last few months and I personally want to thank you and I want to publically thank you for your leadership.

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There being no further business, the meeting was adjourned.

James N. Olson  
Director of Financial Services/City Clerk