

July 21, 2008

City Council

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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, July 21, 2008 at 7:30 p.m.

Members Present: Council President Greg Rabb, Council Members Steve Szwejbka, Anthony Dolce, Michael Taylor, Vince DeJoy, Maria Jones, Paul Whitford, Kim Ecklund and George Spitale

Others Present: Comptroller Joseph Bellitto, Director of Development Steve Centi, General Manager of BPU Dave Leathers, Batt. Chief William Johnston, Capt. Lee Davies, Mark Schlemmer, Victoria James, Cable 8 News, Terry Frank of WJTN and Patrick Finelli of The Post-Journal

Council President Rabb called the meeting to order.

Rev. Maria Jones gave the invocation.

The minutes from the June, 2008 meeting were approved.

**OPPORTUNITY FOR PERSONS TO ADDRESS THE COUNCIL**

200807A00.01

Susan Kalfas, 669 Baker Street Ext.: Many of us have heard of Tom Brokaw's well regarded book The Greatest Generation. Through their work and dedication during the 1940's in factories, shipyards and victory gardens as well as in battle, women and men of that era countered the threat of international forces of fascism and preserved freedoms and customs that are the hallmarks of our nation and of peaceful, civilized lifestyles. Some persons have recently stated that our generation has an equally urgent calling to preserve our country and our quality of life. Many are recognizing that calling, that challenge. Perhaps more and more persons are acknowledging it every day. Former Vice-President Al Gore in an impassioned speech last Thursday, July 17<sup>th</sup>, called on Americans to recognize that the survival of the United States of America as we know it, is at risk, as is the future of human civilization. Mr. Gore cited the current crisis in our economy, the dramatic rise in gasoline prices and electricity rates, the troubles in the home mortgage sector with resulting impact on banks and automobile industry, as well as the accelerating climate crisis and its dangerous national security implications and potential for destabilizing nations around the world and the stress on our military establishment from conflicts in the Middle East. The former Vice-President also spoke of the mega fires raging in – he mentioned places such as Greece, Russia, China, Canada, Australia, and Africa, as well as California and the connection between increasing global temperatures and an ever greater number of lightning strikes that cause this destruction. The former Vice-President stated that these many inter-related problems and disasters are connected to our over-dependence on carbon based fuels. He stated "we're borrowing money from China to buy oil from the Persian Gulf to burn it in ways that destroy the planet. Every bit of that has got to change." And he also stated, "when you connect the dots, it turns out that the real solutions to the climate crisis are the very same measures needed to renew our economy and escape the trap of ever-rising energy prices. Moreover, they are also the very same solutions we need to guarantee our national security without having to go to war in the Persian Gulf." The solution is to utilize the non-carbon fuels available right here at home. Mr. Gore continued as follows: "Scientists have confirmed that enough solar energy falls on the surface of the earth every 40 minutes to meet a 100% of the

July 21, 2008

entire world's energy needs for a full year. Tapping just a small portion of this solar energy could provide all the electricity America uses and enough wind power blows in the mid-west corridor every day to also meet 100% of the U.S. electricity demand. Geothermal energy similarly is capable of providing enormous supplies of electricity for America." I wonder if you'd raise your hand please if you heard this July 17<sup>th</sup> speech, or if you have read the speech by the former Vice-President in the meantime? Thank you. It's available on-line by the way, you can reach it easily by googling simply Al Gore's Speech July 17<sup>th</sup>, and for those of you who do not have that capability, I have copies for you as well as information for you from the Western New York Climate Action. In the talk, Mr. Gore challenges our country to produce 100% of our electricity from clean, renewable and carbon free sources by 2018. These are sources that require no sequestration technology and no nuclear fuel. The goal is now achievable and affordable because the price of solar and wind generated energy has been falling dramatically as economies of scale are realized while the cost for oil and coal are continually rising while developing countries now have the finances to compete for those resources in the marketplace. The speech continues and I'll try to finish quickly. "To those who argue that we do not yet have the technology to accomplish those results with renewable energy, I ask them to come with me to meet the entrepreneurs who will drive this revolution. I've seen what they are doing and I have no doubt that we can meet this challenge. Of course, there are those who will tell you it can't be done. Some of the voices we hear are the defenders of the status-quo – the ones with a vested interest in perpetuating the current system, no matter how high the price for the rest of us. When the use of coal and oil goes up – pollution goes up. When the use of solar, wind and geothermal increases, pollution comes down. I for one (said Mr. Gore) do not believe our country can withstand 10 more years of the status-quo. Our families cannot stand 10 more years of gas prices increasing, our workers cannot stand 10 more years of job losses and out-sourcing of factories and our soldiers and their families cannot take another 10 years of repeated troop deployments to dangerous regions that just happened to have large oil supplies." We have the technology already, scientists are eager to put these technologies to use, coal miners will welcome the opportunity to have jobs up in the sunlight with clean, fresh air, jobs that can be available to them in the wind power, solar power industries. Families will welcome and enthusiastically drive electric cars as did many residents of California during the experimental plug-in car era some years ago before those cars were destroyed because of lobbying from status-quo industries such as the carbon fuel suppliers. Many Americans and many friends and allies abroad will welcome our country's full participation in treaties to cap and reduce carbon dioxide emissions for the benefits of all the earth's species including human beings. The likely Republican Presidential candidate, John McCain has said "if the Vice-President says it's doable, I believe it's doable." And, the likely Democratic Presidential candidate Barack Obama has said "I strongly agree with Vice-President Gore – we must fast-track investments in renewable resources of energy. It's a strategy that will create millions of jobs that pay well and that cannot be out-sourced and one that will leave our children a world that is cleaner and safer." Please let's get Jamestown on board for this vitally important program. Thank you.

200807A00.02

Peter Morgante, 134 Euclid Avenue: I am also known as the stuffed hair jockey by the downtown people and by some of the Council people at the DJDC, because I'm always addressing or commenting and on the radio issues of the City. And people are recognizing my voice now, but now they're recognizing the back of my head because The Post-Journal focused on my bald spot. I'm surprised at how many people read the paper and recognize me – believe it or not. So that's it. Now Monday night, I attended the Housing and the Safety Committee, and by the way, the Committee system doesn't work for you people. You hold the same committee meetings on the same night at the same time, and you're running around from one room to another because you want to find out what's going on in different places or you've got to address different things and you never learn everything that's going on – and then they don't report what actually went on at the Work Session. So you have people that are uninformed mostly about

July 21, 2008

what the public is speaking. Now, I addressed the Safety Committee and I asked them if they knew that there was a City law that prohibits skateboarding in the City of Jamestown. And I says, then why do you allow Block & Rock on Third Street...blocking off Third Street completely over there on a Saturday morning or a Saturday, when the City has the facility – a skateboard facility – down in Chadakoin Park, off the road, which was donated by groups in Jamestown at their cost? And then you give them the idea that they can come downtown here in front of that Suburban Store to promote his store, basically, and run his event. And they didn't care. They says well we enjoyed it. We want to show the downtown people what a great event this is. I just don't understand this thing with the DJDC and the Safety Committee allowing these events that come downtown to impress the people. Are you impressing the people who come in here that are running the events? But I don't think the people of Jamestown are that concerned. Now, very few kids showed up, none of the stores are open, and by the way, on Third & Main, I think it was about 11:00, you see a U-turning car – I just can't believe it on Third & Main. It was just unbelievable. Doesn't matter 'cause there's no traffic there anyways. Now, none of this was reported at the Work Session and it was never brought up. Now, City Council and the DJDC consider people who speak out and make comments publicly is bad for our City. What we do is question the leadership and the judgment of the issues which we know that you really don't care to listen to. Well, now that the radio talk show is over, perhaps people will be writing in and making comments to The Post-Journal. Last week alone there was five articles in the paper, all comments. Post-Journal Editor Christie Herbst – her whole column was dedicated to the issue of blocking off the downtown Third Street for traffic and what a hazard it causes to people – especially to people coming in from outside the City and they don't know the streets and they don't know nothing and they get disgusted and they walk away. And she also says, if you read the article, and it was in Saturday's paper by the way – by the way she turned her thumbs down on these people like she did. She doesn't think that the downtown people know what's best for the business people – they're only interested in themselves and in promoting their little sideshows that they put on every once in awhile. The Post Journal – Pat Fanelli – questioned the issue of the landlords licensing and the \$70,000 of unpaid parking tickets – nothing has been done. And then you see an article in the paper from Florence Christian – this year the Gus Macker Tournament – it was unfortunate that an ambulance call had to be made at the High Rise at that time, because the Gus Macker Tournament is a very good thing, but the issue was that the ambulance had to park quite a ways from the High Rise and she wondered what would have happened if there was a fire there? A few years ago when the firemen were under pressure to cut their budget, and the big thing was – we got to have that right response time – if there's ever a fire at the Hotel, you people will die. I remember always hearing that. Then we hear from another woman, Nancy Schuyler, comments that the Downtown Development Corporation's – The Farmers' Market – is over-priced goods. And you only got those high-rise people up there – the old senior citizens – living on fixed incomes and the merchandise down they are so out of price they can't afford it and that is the only place that they can use the State Coupons that they receive. I didn't get a chance to attend your budget meeting because I was over at the Safety Committee, but you did talk about MacLain, and I can't pronounce her name like you can Mr. Rabb, but I just wondered who established the position? Isn't she doing the same thing that Mr. Centi does in the DOD – modernizing our downtown buildings and his budget was cut – every year it gets cut? That's what he kept reporting about. And what is the record of...and of fixing up all these downtown buildings? Things are still empty. We don't see any progress. And, who created the position for her – the DJDC, the Strategic Planning & Partnership Commission? And why? And one other thing I wanted to say. Mr. Harkness, in one of his articles, he claims that people should volunteer and support their groups – well, I used to belong to the Chamber of Commerce, but the only reason I joined there was because of the insurance – I was able to buy health insurance from them, but when they cut that out because it did no good...but to belong to the DJDC is paid membership and so is the Chamber of Commerce. And I don't think that members who are with the DJDC or the Chamber of Commerce ought to pay dues to become a member. Thank you.

July 21, 2008

Councilman Taylor: I just wanted to quickly rebuttal and thank my good friend Pete Morgante always for attending our Public Safety meetings as well as the Housing meetings, and every other committee meeting and legislature meetings and school board meetings and all meetings for that matter because you are one of our greatest, most concerned citizens in the City, but I think certain things might be reported inaccurately whether they're said on the radio or said at meetings in public session or otherwise. In regards (1) to the skateboarding event – I think it was explained last week in detail at the meeting in response to your concerns and complaints that (1) there weren't just a few people there – there were hundreds of people there and (2) that when an event in the City is controlled, whether it's fireworks at the stadium, whether it's skateboarding downtown, whether it's a parade that blocks off streets, the community has a right to do it. And though some of these events may not necessarily interest you or every citizen in the City, as a whole, they do benefit the City greatly. Not only was this event, and I really must defend the people downtown that put on that event in particular, they didn't do it just to make a profit, they did it to cater to maybe a cultural phenomena, they did it to cater to the youth of this City and when people say "there aren't a lot of good things going in Jamestown for the youth, or no one cares about their needs, or be as older people, politicians or whoever aren't hip to their concerns or to their interests, that's proof that truly there are people that care. I just hope that, you know, you just get the correct information – let them know there were a lot of people down there – and that's really all I have to say on that matter.

Chairman Rabb: Thank you Mr. Taylor. Does anybody else choose to comment? I don't believe there's any petitions or communications coming before the Council? We'll move on then to the Standing Committees. Before we do that, if anyone in attendance had picked up the sheets that list the resolutions, there's one resolution on there – No. 13 – that is being pulled that is coming out of Public Safety – we won't be voting on it this evening.

#### **STANDING COMMITTEES**

#### **FINANCE COMMITTEE**

200807A01

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 \$4,311,284.64 in accordance with the period ending July 18, 2008, 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 \$3,053,112.95 and payrolls in the total amount \$1,258,171.69 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

200807A02

BY COUNCILMAN DOLCE:

RESOLVED, That the City Comptroller be, and he hereby is, authorized to make the following amendment to the 2008 General Fund Budget for the purpose of replacing the heat

July 21, 2008

exchange unit in the heating system at 145 Steele Street:

INCREASE: Appropriations \$6,787.00  
Building - 145 Steele Street  
A.1621.0200

DECREASE: Appropriations \$6,787.00  
Contingency  
A.1990.0400

Carried: 9 ayes, 0 nays

200807A03

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 Jamestown Fire Department 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) Fire Fighter in the Jamestown Fire Department (1 retirement funded in the 2008 General Fund Budget).

Councilman Dolce: Just a comment – that both of these positions as it's stated, are positions that are already in the 2008 Budget – they're not additional ones.

Carried: 9 ayes, 0 nays

200807A04

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 Jamestown Police Department in an effort to effectively manage the city's day-to-day responsibilities in a cost efficient manner, it is in

July 21, 2008

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 positions.

- One (1) full-time Police Officer in the Jamestown Police Department (1 retirement funded in the 2008 General Fund budget)

Carried: 9 ayes, 0 nays

200807A05

BY COUNCILMAN DeJOY:

RESOLVED, That Mayor of the City of Jamestown is hereby authorized and directed to enter into a purchase agreement with Ed Shults Chevrolet, 300 Fluvanna Ave., Jamestown, NY 14701 for one (1) 2009, four-wheel drive, ¾ ton, Chevrolet Suburban for the Jamestown Fire Department in the amount of \$35,324.00.

Councilman DeJoy: The current command vehicle 1 that this will be replacing has nine hard years of service. This vehicle carries a lot of heavy equipment, life-saving equipment, maps, tanks, and so forth – communications equipment, computers, etc., and it's essential that the Fire Department has a good reliable vehicle for this command vehicle. It basically goes to every fire call and with that being said, we've also asked the Fire Department and the Police Department to look at basically our vehicle fleet and to see what we're going to do with the disposition of these vehicles and perhaps find ways through State contracts and looking for more fuel-efficient vehicles as we make these replacements.

Carried: 9 ayes, 0 nays

200807A06

BY COUNCILMAN DeJOY:

RESOLVED, that the Mayor of the City of Jamestown, be and he hereby is, authorized to enter into a purchase agreement with Kustom Signals, Inc., 9325 Pflumm, Lenexa, Kansas for one (1) SMART 800 Speed Trailer in the amount of \$ 8,935.00. This vehicle shall be purchased with traffic safety funds.

Councilman Dolce: This is a speed trailer that's used by the Police Department. The one that we currently have is out of commission. How old was that, by the way? (1997) It's over a decade old and certainly it's been given a lot of use over the years. The new one will have the ability to do a lot more tracking of data for speeds and other uses and it's much easier to set up and take down.

Carried: 9 ayes, 0 nays

July 21, 2008

200807A07

BY COUNCILMAN DeJOY:

WHEREAS, the County of Chautauqua heretofore applied for State funding under the New York State Division of Criminal Justices Services Operation IMPACT Grant Program for 2008 and,

WHEREAS, the County's application has been approved and a portion of the grant funds must be shared with the City of Jamestown Police Department, now therefore be it

RESOLVED, that the Mayor and Police Chief be, and they hereby are, authorized and directed to participate in Operation IMPACT for the period of July 1, 2008 through June 30, 2009 with funding in the amount of one hundred thousand six hundred and fifty-one dollars (\$100,651) provided by the State of New York.

Carried: 9 ayes, 0 nays

200807A08

BY COUNCILMAN DeJOY:

RESOLVED, That the Mayor be, and hereby is authorized to enter into an agreement with the New York State Attorney Generals Office for services provided to the City of Jamestown with regard to Operation Save Our Streets for the abatement and transfer of nuisance properties related to drug activity, subject to the approval as to form by the Corporation Counsel.

Carried: 9 ayes, 0 nays

## **PUBLIC WORKS**

200807A09

BY COUNCILMAN WHITFORD:

RESOLVED that Jeffrey Lehman, P.E., Director of Public Works, is hereby authorized and directed to purchase one (1) 2008 Doosan Model DX 180LC hydraulic excavator with tracks, a used unit with less than 90 hours, from Monroe Tractor, 5035 Genesee Street, Buffalo, NY 14202, for the amount of One Hundred Twelve Thousand One Hundred Sixty-five Dollars (\$112,165.00) along with three optional items : rubber bolt on track pads for Eleven Thousand Three Hundred Eight-eight Dollars (\$11,388.00), a Wain Roy 60" ditch cleaning bucket with a bolt on cutting edge for Two Thousand Nine Hundred Eight-seven Dollars (\$2,987.00) , and a Wain Roy 36" concrete removal bucket for Six Thousand Two Hundred Twenty-six Dollars (\$6,226.00), for a total amount not to exceed One Hundred Thirty-two Thousand Seven Hundred Sixty-six Dollars (\$132,766.00), this being the lowest of five bids received and opened July 14, 2008.

Councilman Whitford: I have one comment. This excavator is purchased with the tracks rather than wheels and it's at a savings of \$67,000.00.

Councilman Dolce: Just a quick comment. All three of the resolutions 9, 10 and 11 are part of the capital project that we passed a couple of months ago. So we are adding more pieces of equipment as we get these bids in and we'll be able to get that fleet back in order again.

Carried: 9 ayes, 0 nays

July 21, 2008

200807A10

BY COUNCILWOMAN ECKLUND:

RESOLVED that Jeffrey Lehman, P.E., Director of Public Works, is hereby authorized and directed to purchase one (1) new 70-foot hydraulic articulating overcenter aerial device from Altec Industries, Inc., 1550 Aerial Avenue, Creedmoor, NC 27522, for an amount not to exceed Ninety-seven Thousand, Five Hundred Twenty-four Dollars (\$97,524.00) this being the only bid opened on July 14, 2008.

Carried: 9 ayes, 0 nays

200807A11

BY COUNCILMAN SPITALE:

RESOLVED, That the bid submitted by Jamestown Roofing, Inc., 119 Clifton Avenue, Jamestown, NY, 14701, for Building Improvements: Jamestown Parks Department, 115 Fairmount Avenue, based on the bid opened July 18, 2008, in the amount of Sixty-three Thousand Four Hundred Dollars (\$63,400.00), be and the same hereby is accepted, 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 Jamestown Roofing, Inc., 119 Clifton Avenue, Jamestown, NY 14701, which agreement will reflect the services to be performed by Jamestown Roofing, 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

**PUBLIC SAFETY**

200807A12

COUNCILWOMAN JONES:

RESOLVED, That the following persons be, and they hereby are, appointed to the office of Commissioner of Deeds in and for the City of Jamestown for a term of two years:

Theresa A. Jackson	July 22, 2008 to July 21, 2010
Joseph Zeliff	July 22, 2008 to July 21, 2010
Jessica Juel	July 22, 2008 to July 21, 2010

Carried: 9 ayes, 0 nays

200807A13

COUNCILMAN SZWEJBKA:

RESOLVED, That the Board of Public Utilities be, and it hereby is, requested to install a new street light at the following locations:

July 21, 2008

City Pole 241201	Highland Avenue
City Pole 24580	Hotchkiss Street
City Pole 24570	Hotchkiss Street
City Poles 31300, 31320, 31325, 31335, 31345, 31370, 31380, 31395, 31407, 31420, 31405	Newton Ave.

Councilman DeJoy: Just echoing Councilman Dolce...I think Mr. Morgante has long been advocating more lighting, or at least brighter lighting, so I think he should be pleased with all these lights right around your neighborhood.

Carried: 9 ayes, 0 nays

There being no further business, the meeting was adjourned.

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