

November 17, 2008

City Council

Proceedings by Authority

State of New York
City of Jamestown
City Council Chambers

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A regular meeting of the City Council of the City of Jamestown, New York was held on Monday, November 17, 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: Mayor Sam Teresi, Director of Finance/City Clerk James N. Olson, Comptroller Joseph Bellitto, Deputy Fire Chief Lance Hedlund, Director of Public Safety/Police Chief Rex Rater and Victoria James

Council President Rabb called the meeting to order.

Candidate Minister Michele Buhite of the Unitarian Universalist Church gave the invocation.

The minutes from the October, 2008 meeting were approved.

REPORTS OF STANDING COMMITTEES

FINANCE COMMITTEE

200811A01

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 \$6,104,660.24 in accordance with the period ending November 17, 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 \$4,293,611.37, investments in the total amount of \$1,200,000.00 and payrolls in the total amount of \$611,048.87, 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

200811A02

BY COUNCILMAN DOLCE:

RESOLVED, That warrants be drawn and paid to the respective owners and paying agents the sum of four thousand four hundred six dollars and twenty-five cents (\$4,406.25) in accordance with the bond requirements as follows:

Various Purpose Bonds, issue of May 15, 2000, four thousand four hundred six dollars and twenty-five cents (\$4,406.25) interest at 5.875% per annum on one hundred fifty thousand dollars

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and no cents (\$150,000.00).

Carried: 9 ayes, 0 nays

200811A03

BY COUNCILMAN DOLCE:

RESOLVED, That warrants be drawn and paid to the respective owners and paying agents the sum of fourteen thousand eight hundred forty dollars and sixty-three cents (\$14,840.63) in accordance with the bond requirements as follows:

Various Purpose Bonds, Series C issue of March 9, 2006, fourteen thousand eight hundred forty dollars and sixty-three cents (\$14,840.63) for six months interest at 3.50% per annum on eight hundred twenty thousand dollars (\$820,000.00).

Note: Refunding of 2000A (partial issues). Interest savings \$8,140.62 for this payment.

Carried: 9 ayes, 0 nays

200811A04

BY COUNCILMAN DOLCE:

RESOLVED, that the Jamestown City Council hereby authorizes a Parking Ticket Amnesty Program for all license plate numbers that currently owe monies for parking violations to the City of Jamestown, and be it

RESOLVED, that the Parking Ticket Amnesty Program will allow the accumulated principal amount and 50% of the penalty amount to be paid to the City Treasurer's Office during the time period December 1, 2008 - December 31, 2008, and be it further,

RESOLVED, that at the completion of the Parking Ticket Amnesty Program all unpaid charges will revert back to the principal and appropriate penalty amounts.

Councilman Dolce: Again, this was something that was discussed this past month in Finance to try to recoup the tens of thousands of dollars that are out there in unpaid parking fines and the actual face value plus 50% of the accumulated penalties will be accepted through this month to try to recoup this money.

Carried: 9 ayes, 0 nays

200811A05

BY COUNCILMAN DeJOY:

RESOLVED, That the Mayor be, and hereby is, authorized to enter into an agreement, renewable each year, with The Resource Center, 880 East 2nd Street, Jamestown, New York to lease parcel number 387.05-1-8 (102-2-17), in an amount not to exceed \$1.00 per year, and

RESOLVED, that the agreement is subject to the following easement;

ALL THAT TRACT OR PARCEL OF LAND, situate in the City of Jamestown, County of Chautauqua and State of New York, being part of Lot 42, Town 2 and Range 11 of the Holland Land Company's Survey and more particularly bounded and described as follows:

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Said easement being the northeasterly portion of Tax Map Parcels 387.05-1-9 and 387.05-1-10, having a depth of 80 feet from the shore of the Chautauqua Lake Outlet, and be it further

RESOLVED that this agreement is subject to the approval as to form by the Corporation Counsel.

Carried: 9 ayes, 0 nays

200811A06

BY COUNCILMAN DeJOY:

RESOLVED, That the City Comptroller be, and he hereby is, authorized to make the following amendments to the 2008 General Fund Budget, to recognize the various contributions to the City of Jamestown from private agencies:

INCREASE:	Appropriations	\$2,575.00
	Summer Band Concerts	
	A.7270.0499	
INCREASE:	Appropriations	\$5,000.00
	Summer Playgrounds	
	A.7140.0100	
INCREASE:	Estimated Revenues	\$7,575.00
	Contributions-Private Agencies	
	A.0000.2070	

Carried: 9 ayes, 0 nays

200811A07

BY COUNCILMAN DeJOY:

RESOLVED, That the following fee schedule for the City of Jamestown Parking Meters be instituted as of January 1, 2009:

Parking Meters	\$.50 per hour
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Carried: 9 ayes, 0 nays

200811A08

BY COUNCILMAN DeJOY:

WHEREAS, the Downtown Jamestown Development Corporation is planning promotional activity to encourage community members and visitors to Jamestown to "Shop Downtown", and

WHEREAS, the Downtown Jamestown Development Corporation has requested that free

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parking be offered in the Central Business District on Friday, December 5, 2008, Friday, December 12, 2008 and Friday, December 19, 2008 beginning at 11:00 A.M. to help with this promotion; now, therefore, be it

RESOLVED, That free parking be and hereby is permitted in the Central Business District on Friday, December 5, 12, and 19, 2008 beginning at 11:00 A.M.

Note: Meter time restrictions will still be enforced.

Councilwoman Ecklund: I just want to note for the record that enforcement will still be in effect that even though it is free, there will still be enforcement in the zones and in the meters.

Carried: 9 ayes, 0 nays

PUBLIC WORKS

200811A09

BY COUNCILMAN SPITALE:

RESOLVED that the Mayor be, and he hereby is, authorized to execute Change Order #1 to the TRACY PLAZA ACCESSIBLE RAMP AND SIDEWALK IMPROVEMENTS contract held by Remco Construction Co., Inc., 329 Main Avenue, PO Box 904, Warren, PA 16365, to include:

Item #1: Remove and replace existing foundation walls
ADD \$3,480.00

for a total addition of \$3,480.00.

Carried: 9 ayes, 0 nays

PUBLIC SAFETY

200811A10

BY COUNCILMAN TAYLOR:

RESOLVED, That the Board of Public Utilities be, and it hereby is, requested to install one new 150 W street light at the following locations:

Pole 11210	Arden Parkway
Pole 31580	Norton Avenue

Carried: 9 ayes, 0 nays

200811A11

BY COUNCILWOMAN JONES:

RESOLVED, That the following person be, and she hereby is, reappointed to the office of Commissioner of Deeds in and for the City of Jamestown for a term of two years:

Patricia A. Canby	December 8, 2008 to December 7, 2010
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Carried: 9 ayes, 0 nays

200811A12

BY COUNCILMAN SZWEJBKA:

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

Section 1. Section 175-3.B. of the Code of the City of Jamestown is hereby amended for the listed classifications and fees as follows:

Work in the Right of Way permits	\$ 75
Annual Right-of-Way Permits	
Board of Public Utilities	\$50,000
National Fuel Gas Distribution Corporation	\$26,000
ALLTEL New York Inc.	\$13,000
Time Warner Cable	\$ 8,000

Section 2. This ordinance amendment shall be effective January 1, 2009.

Carried: 9 ayes, 0 nays

200811A13

LOCAL LAW NO. 2 OF 2008

A LOCAL LAW TO PARTIAL EXEMPTIONS FOR CERTAIN CAPITAL IMPROVEMENTS TO ONE AND TWO FAMILY RESIDENTIAL BUILDINGS

BY COUNCILMAN DOLCE:

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

Section 1. Section 270-2 D. is hereby amended to read as follows:

Section 2. The value of such reconstruction, alteration or improvement exceeds three thousand dollars(\$3,000).

Section 3. This local law shall take effect immediately upon filing with the Secretary of State.

This Local Law was tabled for one month.

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NEW BUSINESS:

200811A14

BY COUNCILMAN DeJOY:

RESOLVED, That the Mayor of the City of Jamestown be, and he hereby is, authorized to enter into a grant agreement with the New York State Office of Parks, Recreation and Historic Preservation in an amount not to exceed ten thousand dollars (\$10,000.00) for the purpose of building the second and third bronze figures of the underground railroad tableau in Dow Park that is located on West Eighth Street in the City of Jamestown.

Carried: 9 ayes, 0 nays

200811A15

BY COUNCILMAN DeJOY:

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, during the 2008 Budget deliberations, the Jamestown City Council informally adhered to a policy of allowing for sixty-one (61) uniformed Police Officers within the Jamestown Police Department when formulating the allocations to the 100 account, and

WHEREAS, the members of the 2008-2009 Jamestown City Council have determined that it would be in the best interests of the City of Jamestown to formally adopt the policy of allowing for sixty (60) uniformed Officers within the Jamestown Police Department, now therefore be it

RESOLVED, that effective immediately the Jamestown City Council hereby adopts the policy of allowing for sixty uniformed Police Officers in the Jamestown Police Department.

Councilman Taylor: Mr. President, I would just like to echo some of my concerns from last week's work session that I did bring up. I do realize that this is a policy that the Council is putting forward. That being a policy, it may not be set in stone that if need be, we could increase the number from 60 officers on up or at 60 officers on down when it would seem necessary or fit. But at the same time, I just feel that whatever this Council is going to do in respect to the budget with cuts, with additions, and mostly cuts, as we all know, it could be done without really going to this policy. We were at 61 officers. 60 is just one officer, I understand that; but I just believe that at this time with all the problems we've seen in this community as well as the County of Chautauqua – with murders and crimes and all these different things where other communities are dependent on us and we're dependent on them, I just can't support this at this time; and again, I know, I mean I'm sure we all feel the same way on that front. It is a policy not set in stone, but personally I'm just against the setting of the policy and taking it down to 60 officers. Thank you.

Councilman Szwejbka: I'd just like to make a brief comment. I wasn't going to, but you opened the door. I spent about 15 weeks looking at staffing levels of Public Safety agencies and I've

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looked at a lot of research and I'm going to give you the name of a book you can look into on your own if anyone's interested, but what the experts have determined, increasing police strength has no influence on crime, police efficiency or police effectiveness. (Four studies were mentioned by Councilman Szwejbka.) Focused are strategic police management, policies and procedures are what counts. Human resource management counts, not the numbers. And all these studies can be found in the National Research Council of the National Academies. Thank you.

Councilman Dolce: I just want to say while I respect Councilman Taylor's position. I just want to make it very clear that we're not cutting specific bodies. This is through attrition. As members leave, currently we're at 62, there are two that are not working – they're on disability. If and when their retirement comes through, those positions just will not be rehired. So again, it's a policy statement to say that we're going to stay at 60 because we're currently working with 60 working officers. This is not...no one's losing their job. This is through attrition. It could happen January, it could happen June, it could happen towards the end of next year. But the previous Council had made a more informal policy a few years ago to try to keep at 61 and we've tried to stay right around that area and this Council is trying to get their arms around a very difficult budget and certainly one that's going to be coming down the road next year and the year after trying to find that delicate balance between the level of service that we have and what our constituents can afford. Again, no one's losing their job. This is through attrition and Councilman Taylor's right – we reserve the right as a policy-making body to determine if we need to increase that or decrease that for whatever. Thank you.

Councilman DeJoy: I want to echo Councilman Dolce's sentiments that this is through attrition – there will be no actual cut in strength of the Police Department numbers, especially given the strength that we have right now. We're going to 60 – that's basically where we are at right now. This is something that will help us in the future, as Councilman Dolce said, and be able to budget in 2009 for 60. It's not going to have any effect on 2009; perhaps it will in 2010 and perhaps circumstances will change in the future; but let's hope that the financial outlook is a little bit rosier, but I think this is something that we need to do right now and I think that we should pass this tonight.

Mr. Taylor: I just wanted to say in respect to the studies that Councilman Szwejbka recommended and in respect to the rest of the Council, that a lot of my feeling on this and a lot of my feeling on this does come partially from my own experiences on ride alongs with the Police Department. Where's the Chief? Where's the Fire Chief as well? I've said many times that they could work with...they know they have to work with, whatever we are able to provide for them each year during this budget. I noticed that when I did some of these ride alongs at first it seemed like there wasn't a whole lot of activity going on in the City, but then I personally realized even the things or the crimes or the situations that seemed even somewhat minor in comparison to things that could seem major, took a lot of time, took a lot of personnel, took several officers in order to process the different information or to answer the calls. That being said, I thought with this department the way it is even at 61 officers, it's somewhat difficult. Really, a lot of this comes from my own opinion, my own experience, my own of what I have seen why mostly a lot of it is why I'm personally not supporting it. I just wanted to throw that out there as well, but I know again, the Chief, you'd always said you could work with whatever you were given. More's always better than less, but that's my position.

Carried: 8 ayes, 1 nay – Taylor

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Councilman Dolce: Just briefly, I wanted to make a comment about the DPW today. I want to thank them for the job they did today. Last night, we got quite a bit of snow and at 3:00 this morning I heard them out there going at it and the roads, I thought all considered, were in very good shape this morning and the unfortunate part is some of us had to go to work instead of having a free day...I just wanted to thank Jeff Lehman and his staff for doing a fine job. Thank you.

Councilman DeJoy: I was going to say the same thing, Councilman Dolce, that I heard those trucks out there and I think the only one that were dissatisfied are some of the children that go to school and perhaps with all the snow, some of the teachers got up, didn't get the call from Superintendent Kathman – so they were probably disappointed, but I got up and I was ready to commend Jeff and his crew with the DPW.

Mr. Whitford: Just one comment. I think Council would join with me in wishing our illustrious President a Happy Birthday today, and I think if you'd like to join him for cake afterwards – I'm sure he has some hidden away somewhere.

President Rabb: There's still cake and tootsie roll pops upstairs. You don't want to mention how old I might be?

Mr. Whitford: No.

President Rabb: 57. It's my Heinz birthday. Thank you.

There being no further business, the meeting was adjourned.

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