

February 28, 2011

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, February 28, 2011 at 7:30 p.m.

Members Present: Council President Greg Rabb Council Members, Steve Szwejbka, Tony Dolce, Vincent DeJoy, Paul Whitford, Kim Ecklund and George Spitale

Members Absent: Michael Taylor and Maria Jones

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

Council President Rabb called the meeting to order.

Dr. William Blair gave the invocation.

The minutes of the January 31, 2011 meeting were approved.

**MESSAGES FROM THE MAYOR**

201102A00.01

CITY OF JAMESTOWN )  
Mayor's Office )

To the City Council of the City of Jamestown New York

Council Members:

In pursuance of the authority vested in me by the Charter of said City, I do hereby nominate:

James Waid  
168 Park Street  
Jamestown, New York 14701

to be appointed a member of the Parks Recreation and Conservation Commission in and for the City of Jamestown, New York to fill the unexpired term of Charles Kent, resigned.

The term for which said appointment is to be made will expire

February 28, 2011

December 31, 2012.

Dated: February 28, 2011

Samuel Teresi  
Mayor of the City of Jamestown, New York

201102A00.02

CITY OF JAMESTOWN     )  
Mayor's Office            )

To the City Council of the City of Jamestown New York

Council Members:

In pursuance of the authority vested in me by the Charter of said City, I do hereby nominate:

John C. Sixbey  
46 Pleasantview Drive.  
Jamestown, New York 14701

to be appointed a member of the Zoning Board of Appeals in and for the City of Jamestown, New York,

The term for which said appointment is to be made will expire

December 31, 2013.

Dated: February 28, 2011

Samuel Teresi  
Mayor of the City of Jamestown, New York

201102A00.03

CITY OF JAMESTOWN     )  
Mayor's Office            )

To the City Council of the City of Jamestown New York

Council Members:

In pursuance of the authority vested in me by the Charter of said City, I do hereby nominate:

Thomas Sweet  
209 Van Buren Street  
Jamestown, New York 14701

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to be appointed a member of the Strategic Planning and Partnerships Commission in and for the City of Jamestown, New York to fill the unexpired term of Pierre Richard Fleurant, resigned.

The term for which said appointment is to be made will expire July 1, 2012.

Dated: February 28, 2011

Samuel Teresi  
Mayor of the City of Jamestown, New York

201102A00.04

CITY OF JAMESTOWN     )  
Mayor's Office            )

To the City Council of the City of Jamestown New York

Council Members:

In pursuance of the authority vested in me by the Charter of said City, I do hereby nominate:

Dr. Carole A. Faulk  
155 Myrtle Street  
Jamestown, NY 14701

to be appointed a member of the Jamestown Community College Board of Trustees in and for the City of Jamestown, New York, to fill the unexpired term of Michael Moots, resigned.

The term for which said appointment is to be made will expire  
June 30, 2012.

Dated: February 28, 2011

Samuel Teresi  
Mayor of the City of Jamestown, New York

201102A00.05

CITY OF JAMESTOWN     )  
Mayor's Office            )

To the City Council of the City of Jamestown New York

Council Members:

February 28, 2011

In pursuance of the authority vested in me by the Charter of said City, I do hereby nominate:

Lillian Vitanza Ney, M.D.  
88 Gordon Street  
Jamestown, NY 14701

to be appointed a member of the Jamestown Community College Board of Trustees in and for the City of Jamestown, New York, to fill the unexpired term of Samuel P. Price Jr., resigned.

The term for which said appointment is to be made will expire June 30, 2011.

Dated: February 28, 2011

Samuel Teresi  
Mayor of the City of Jamestown, New York

201102A00.06

CITY OF JAMESTOWN     )  
Mayor's Office            )

To the City Council of the City of Jamestown New York

Council Members:

In pursuance of the authority vested in me by the Charter of said City, I do hereby nominate:

Sarah Nazzaro  
236 Springdale Ave  
Jamestown, NY 14701

to be appointed a youth member of the Youth Services Board of Directors in and for the City of Jamestown, New York.

The term for which said appointment is to be made will expire December 31, 2012

Dated: February 28, 2011

Samuel Teresi  
Mayor of the City of Jamestown, New York

February 28, 2011

201102A00.07

CITY OF JAMESTOWN     )  
Mayor's Office            )

To the City Council of the City of Jamestown New York

Council Members:

In pursuance of the authority vested in me by the Charter of said City, I do hereby nominate:

Kirstie Hanson  
159 Hotchkiss Street  
Jamestown, NY 14701

to be appointed a youth member of the Youth Services Board of Directors in and for the City of Jamestown, New York.

The term for which said appointment is to be made will expire December 31, 2012.

Dated: February 28, 2011

Samuel Teresi  
Mayor of the City of Jamestown, New York

Councilman Spitale moved to suspend the rules and vote on the appointments.

Carried: 7 ayes, 0 nays

Councilman Dolce moved to approve the appointments.

Carried: 7 ayes, 0 nays

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

201102A00.08

Tami Downey, I'm President of the Real Estate Investors Association, my home address is in Kiantone, New York, (2020 Riverside Rd.) but my property ownership is at 1267 E. 2<sup>nd</sup> Street, Jamestown, New York. Good Evening Ladies and Gentlemen. I am here to speak about an issue that as a President of Real Estate Investors Association and a taxpayer in the City of Jamestown, I am very concerned about. I find it upsetting that at this time in our economy when gas prices are going up by 5-10 cents per week, our neighborhoods are emptying into ghettos and tea party is justifiably demanding "no more taxes," that the Mayor would ask the taxpayers for one more four million dollar bond. There's no argument that you can give us that justifies the increase in our taxes. At this time last year, I stood before you very angry that you

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did not listen to the people who work and live in the City and I made two promises. The first – that I would make sure that everyone knew what you were doing with their money, and I have and am fulfilling this promise. The second was that if you did not start listening to the people, I would actively work against each of your re-elections, and just like last year – you are up against a very tough decision with the added heck of a re-election campaign. I can tell you that approving this \$4,000,000 bond would not only seal your fate in a loss, but more importantly, the tax increases to make the additional payments will continue to bury our City under a debt load that is unsustainable, especially since we all know that you will be forced to increase taxes next year anyway. The Mayor will blame the unions, the Council will blame each other when we all know that the cause is administrative wages that are too high for the tax burden that is required for them to pay. Public Union benefits are unsustainable and expenses seem to never stop their upward trend. While these are all issues that the federal, state and local governments are loathe to tackle, you have a unique opportunity to show the people of this City that you care about them enough to not get another bond and increase their taxes to buy more trucks. As the Mayor said in the February 20<sup>th</sup> edition of The Post-Journal, “we are not going to touch the fund balance unless we absolutely have to and we have worked too hard to build that balance to just go and blow it in an irresponsible fashion.” I then submit to you, that if it is irresponsible to touch something so important as the fund balance, how much more irresponsible is it to touch the personal fund balances of the taxpayers? Finally, I ask each of you to take a hard look at our City’s financial future and vote against new purchases this year. I further challenge you to abstain from any unnecessary purchases for the next two years. Hopefully, we will all be better off then, but if we’re not, at least it won’t be because of frivolous purchases. Thank you.

201102A00.09

Christina Jones, 79 Andrews Ave., Jamestown: My pension does not change from year to year and there was no COLA increase of the social security for 2010 and 2011. These are how my taxes have gone through City/County tax, excuse me. 2006 I paid \$834.; 2011 - \$1520.00 and the difference is \$686.00 for six years. That is almost doubled. The results may cause a taxpayer revolt. What about revising downward the salaries of department heads? What is the basic budget? Are there items that are absolutely necessary or are they a wish list? What is the expected tax revenue? Can we afford eight new DPW vehicles? Are they really necessary? Why eight? Can we buy some that are used and tide us over so that we don’t have to have a bond issue? How about the reserve fund? Could we use just half of it and keep half of it in place and see how far it will go? You know more about this than I do – I’m asking questions. In the DPW garage that needs to be rehabilitated on the ground floor ceiling – that I believe was an estimate of one million dollars. What are our options? Can we use local contractors and supplies? How does the reserve fund get replaced? And in what time frame could that happen if we were to use part of it and not take a bond? The firemen respirator equipment – I want them to have the best – but how many are needed? How many firemen are on the job at a given time? ...just things that I don’t know the answers to. Mayor Teresi would you...is the Mayor here?

Mr. Rabb: No.

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...I would like to know whether he would rather boast of a dollar balance in the reserve fund and a four million dollar bond or to pay the bills with the reserve fund and keep taxes down. Thank you.

201102A00.10

John Torres, 208 Allen Street, Jamestown: I'm not here with as big issues as these people, but I feel that it's a public safety matter. I live next to an alley that as a child, I remember it being plowed weekly – twice a week, all the way into my early 20's. Okay. I'm grown now and in the past ten years, I've seen it plowed one time. Now, as the safety issue, I have a mother that lives on this alley who is handicapped. I have a retired City worker who lives in this alley who had a heart attack last year and proceeds to shovel this alley so he can get in and out and also we have another resident at the top. We're all blue collar working people and we pay our taxes. There's no reason that we should not get the services and we've repeatedly asked Council members that have gone and relayed the message repeatedly – and still no response. I understand that we will live in a dilapidated area of the City with a lot of problems, but we are still hard working people down there that deserve to be treated with more respect. We drive around this town, north side through the City and there's alleys that aren't being used that are being plowed. Now, we just hope that we can get a resolution out of this situation. There's been times where ambulances have to come down the alley and they can't. There's been times...I remember there was a fire three or four years ago. Fifteen firefighters standing at the bottom of the alley going .....”what are we going to do?” That's my concern and I hope that you take it into consideration.

201102A00.11

Peter Morgante, - gee, I hope you would finally get this thing turned on or make it so that people can hear you. We don't hear one word you have said while you've been talking about anything you said and it's not only me – they won't admit it, but it's true. Now, my name is Peter Morgante, 134 Euclid Avenue, Jamestown, property owner and senior citizen. When I address City meetings or call on the radio show, my concern is always to inform the people over issues of property taxes and the City budget. A few years ago, we were nationally known as the All American City as a town where the average working man owned his own home on the low wages that they were paid. The American dream is gone and past. Now we are the highest property taxed in the State and probably the Country and losing control of our City housing through City's special interest groups to the point where we are now a city of 35%, non-for-profit tax exemptions; 50% of the housing is rental units or housing complexes and where some even receive questionable property lower assessments, reductions in property tax subsidies. These groups don't understand that all these exemptions and subsidies put burdens on the taxpayers who are forced to pay not only their own share, but the shares of all these people who are receiving tax exemptions. They actually don't know the difference between tax exemptions and mandates or even foundations and entities. I don't know why we allow them to buy property or own property and claim it non-for-profit and not pay property taxes which are City services. Last year alone, they received \$5,000,000.00 off the tax roles including the old Grants Building or Ney Center on Third Street alone. Now I have sent my comments to The Post-Journal's Readers Forum which for some reason they haven't printed so the public can understand what's

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going on. However, they did print articles from the Planning Commission members – Joe Trusso and Jeff Nelson – asking for more studies and do we really need revitalization in the City? We have no neighborhoods. That’s a quote from Mr. Trusso. I would have asked why do we need five - five bedroom housing units and why? Who has a five bedroom house in the City of Jamestown and who could ever afford to pay the utility bills or the heating bills except for Social Services? But the best comment in The Post-Journal, and I doubt if anybody read it because it was way down on the bottom of the article, where the Editor said to the Planning Commission, the same ole’ stuff; but the latest comment which was done February 26<sup>th</sup>, 2011 from the Editor of The Post-Journal “Jamestown is never going to find it’s way out of the dilemma of the falling property values making it possible for the struggling families to live in Jamestown.” If I had said that they would have never printed it, and I know darn well, and they probably would have shut me off on the radio if I had said that, but it’s alright if somebody else says it, and it’s the truth. I wonder how many people get the paper and read that article and not just the headlines. Somehow, the public has got to be informed. Once again, all these issues that concern the City issues is over property taxes which are City services. People don’t understand that the City budget is nothing more than City services. The Police Department and the Fire Department and the Department of Public Works...public safety...that’s what City taxes are and nobody should be exempt from doing that. Maybe the answer is we need a new honest public revaluation of our properties. Thank you.

**COMMUNICATIONS**

Director of Financial Services/City Clerk read the following communication:

To: City Council Members from Greg Rabb, Council President:

Please be advised that beginning March 1, 2011, Councilman Paul Whitford will become the City Council liaison to the Jamestown Planning Commission.

**STANDING COMMITTEES**

**FINANCE**

201102A01

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 \$12,570,312.42 in accordance with the period ending February 25, 2011, 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 \$2,927,516.74, investments in the total amount of \$8,500,000.00 and payrolls in the total amount of \$1,142,795.68, 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: 7 ayes, 0 nays

201102A02

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 Chautauqua Region Community Foundation in an amount not to exceed \$7,000 for the purpose of funding the Rogers School Tree Planting Program for the Parks, Recreation and Conservation Department subject to the approval of the Corporation Counsel as to form.

Carried: 7 ayes, 0 nays

**PUBLIC SAFETY**

201102A03

BY COUNCILMAN SZWEJBKA:

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

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

<b>CLASSIFICATION</b>	<b>FEE</b>
MASTER PLUMBER RETIRED (GREATER THAN 60 YEARS OF AGE)	\$25.00

Section 5. This ordinance amendment shall be effective March 1, 2011.

Carried: 7 ayes, 0 nays

**NEW BUSINESS:**

Councilman DeJoy: Mr. President, I would just like to address one of the comments really, basically was one that I think was totally inappropriate. Ms. Downey, you've just become a legislator; you were appointed; and here you are threatening members of this body that if they don't do what they believe is the right thing, you will politically work against them. I don't believe that you indeed have even taken the time to look at the items on this list and when the vintage of these trucks are – back in the 1990's. These are critical pieces of equipment. This isn't some wish list that the DPW has put together to buy some new trucks. These things are in disrepair; it's costing us a significant amount of money; loss of productivity; and the fact that if

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we wait, like you suggest, just on the DPW building alone, the cost has doubled in the last seven years. You do not know that taxes will be raised to do this. The fund balance is something that is totally sacred- it's something that has been built over a number of years through good planning in previous councils and the strong financial stewardship of this council to help build this fund balance and we will use it when and if it is only necessary; and perhaps too, cushion any potential tax increase. So I am just aghast at your threats that you made to us and I believe they were totally inappropriate this evening. Thank you Mr. President.

Councilman Szwejbka: I'd just like to comment also on fiscal responsibility that Ms. Downey was talking about. I don't think that anybody on this Council is going to agree to any type of bonding unless there is some type of plan – how we're going to pay for it. Nothing has been approved yet. I think we're all adult enough to know that we're going to sit down and look at all the options. We're not going to just jump into a four million dollar or three million dollar bonding issue without trying to realize – where is this money going to come from? I agree that this is a time when we need to step back and think and try to devise some strategy, some approaches and we realize we have to have this equipment – there is no doubt about it but we also realize we have to figure out how we're going to pay for it before we jump into it. Thank you.

Mr. Morgante: Mr. Rabb, I don't think the City Council's got the right to criticize...

Mr. Rabb: Mr. Morgante, excuse me – you're out of order..

Mr. Morgante: Now wait a minute

Mr. Rabb: No. Mr. Morgante you're out of order.

Mr. Morgante: I know that.

Mr. Rabb: This is the time for the Council

Mr. Morgante: But I also think the City Council is out of order ...

Mr. Rabb: You're out of order Sir.

Mr. Morgante: ...criticizing the opinions of the public.

Mr. Rabb: I'll be happy to talk to you...

Mr. DeJoy: They were not opinions – they were threats. They were political threats  
Mr. Morgante.

Mr. Morgante: I didn't hear a threat.

Mr. Rabb: I'll be happy to talk to you after the meeting.

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Mr. Morgante: ...but this is the public opinion.

Mr. Rabb: Mr. Morgante you're out of order.

Mr. Morgante: Of course I'm out of order. You're out of order all the time.

Mr. Rabb: I will be happy to talk to you after the meeting.

Mr. Morgante: Let the people speak their minds.

Mr. Rabb: And I'll be happy to speak with everyone in this room.

Mr. Morgante: If you don't like to do it then resign.

Mr. Rabb: Are there other announcements or comments from Council members?

There being no further business, the meeting was adjourned.

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