

March 26, 2012

City Council

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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 26, 2012 at 7:30 p.m.

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

Members Absent:     Maria Jones

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

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

The minutes of the February 27, 2012 meeting were approved.

**OPPORTUNITIES FOR PERSON TO ADDRESS THE COUNCIL**

201203A00.01

Richard Edward McQuay, Sr., a/k/a Lone Eagle, 368 Buffalo Street:     I noticed that on the side of the patrol cars there's a saying: "Tradition of Excellence." I would like to make a motion that the City have these sayings removed from the patrol cars for the simple reason they are extremely misleading and outright lies. Now, the reason for this is: I'm 73 years old and I've lived in this area for over 50 years and I've seen this police department do many a thing. In fact it was so bad at one time, the New York State Police ordered the Jamestown Police Department to either get themselves straightened out or they would come in and take it over. Since I lived in Jamestown, I have seen the Chief of Police being hired as an alcoholic...

President Rabb:             Sir, I have to interrupt you. If you're going to make allegations about the Police Department, I can't let you continue.

Mr. McQuay:                Sir, these are not allegations...

President Rabb:             They're allegations...

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Mr. McQuay: These are known facts to the public and if your newspapers were not so corrupt and covered up the facts and that, the public would know these facts.

President Rabb: Well, if you have something that you would like to tell us, I'd be happy to listen, but I can't have you maligning the City Police Department.

Mr. McQuay: Oh, that's right – the Democratic Party does not believe in the truth. Like I say before...

President Rabb: You're more than welcome to malign my party, but I will not let you malign the City Police Department.

Mr. McQuay: I'm not maligning your Honor. These are actual facts that's been known to the public, been known to the news media for many of years. The Jamestown Democratic Party controlling these news media have kept most of it out of the newspaper. Now you might call it allegations and that, but they are actual facts that have been covered up by your corrupt party. Now if I may continue...

President Rabb: You can say anything you want about my party, but I will not let you malign the Police Department.

Mr. McQuay: I'm not maligning your Honor, and I've stated the facts that have been known to the public for years. Now if you want to say the facts are allegations, then that is your prerogative since you are the head of the so-called Democratic Party sitting up there.

President Rabb: I'm not the head of the Democratic Party. I'm the head of the Jamestown City Council.

Mr. McQuay: ...in charge of the City Council, so therefore you're head of the City Council and you're head of that department of the Democratic Party. In the last election, now you might say this is allegations...in the last election when I went to vote, I had no choice as to who to vote for because over the 50 years I've been here, your party has aggravated and intimidated every candidate against your party due to the fact that they've moved out of the area. Anybody can check the record, voting records and that, in the last election there was not one candidate in that ballot that was other than the Democrats.

President Rabb: No Sir. There were...and on this Council with me this evening, there are two Republicans and one Independent, so I have to disagree...

Mr. McQuay: I was at the last election and I...

President Rabb: Sir, the last election, there six Democrats, two Republicans and one Independent and in one ward, there was definitely a choice and the voters made their choice.

Mr. McQuay: I'm talking about the District in which I voted.

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President Rabb: I understand that.

Mr. McQuay: ...so you can say anything you want to, too compliment the idea, but the idea is it's in my district and there was not one party other than the Democrats that won. And there's no way that we can win elections, and another thing – you say Republicans – how do we know they're not Republicans? You Democrats have taken over main control of everything and you even have Democrats join the Republican Party and go and run as a Republican candidate when in actuality they're nothing more than a Democrat called Republicans.

President Rabb: Well, Sir, I can't control what Republicans do, but unfortunately your time is up. We have to move on.

Mr. McQuay: I notice your Chief there is kind of snickering at me – he must be getting a pretty good laugh out of this. One was an alcoholic and another one had three drug arrests.

Mr. Szwejbka: Can I make a comment?

President Rabb: Sir – your time is up and Mr. Szwejbka would like to make a comment.

Mr. Szwejbka: We enjoy your comments every week, or every month, when you come to our voting session and you always talk about the facts. It would really be nice if you produced something to back up your facts other than what you're saying. Bring in some paperwork, bring in something so we have something to reflect on. You just keep saying "it's fact – it's fact." Bring something in. Thank you.

Mr. McQuay: If you'd listen to the news, maybe, instead of covering it up, you'd have the facts many years ago.

President Rabb: Thank you. Is there anyone else who would like to address the Council this evening? If you would step up to the microphone, state your name and residential address and please remember you're limited to five minutes.

201203A00.02

Steve Lafreniere, 504 E. 2<sup>nd</sup> Street: I'm a Jamestown citizen and a taxpayer of five years, but I've been a public library user and enthusiast of libraries for 50 years. In 2007 when I was deciding whether to relocate to Jamestown, at the top of my list of pluses was the general excellence of the Chautauqua-Cattaraugus Library System – but it was mostly the Prendergast Library and it's varied and eclectic collection of books, periodicals and movies that won me over. I now go to the Prendergast at least twice a week and it's one of the best run, mid-size libraries that I've had the pleasure of using in the many cities and towns that I've lived and that includes Chicago and New York City. I'm very worried about what is occurring under the new Director. In my opinion, the few changes that have already taken place don't bode well for the many others said to be planned. Now, beyond what I've seen and experienced of this myself,

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much of the other information about what's coming is from workers at the library themselves, several of whom I've previously gotten to know casually. Three weeks ago when I first heard there were problems at the library, I assumed that it was a few disgruntled folks who didn't like a new Director's ideas about modernizing; but I quickly began to hear so many negative things and from so many librarians, that I began to realize that this simply wasn't your usual resistance to change. I've spent a lot of time since then trying to fully understand what Ms. Milkie is doing – that is the new Executive Director – and more importantly, why? Other people here tonight might bring up specific points, but I'd like to narrow my focus to two things. You might say I'm here doing research – I want to ask you what you know. (1) what is the dollar amount that the City Council allots to the Prendergast Library annually and what percentage of the library's operating budget does that constitute? With those figures in mind, how much control do Jamestown citizens and taxpayers, and you as our representatives have over the actions taking place at the Prendergast? I do realize that the Library is a 501(c) 3 tax exempt non-profit organization, which is organized somewhat like a private corporation with a Board of Directors and an Executive Director, but what level of transparency can we get in regards to the changes there? I don't really mean meetings with the public, although that's great, like the ones announced with perfect timing this afternoon on their facebook page, I mean an actual oversight committee. My other question – there's a lot of speculation going on about the reasons for hiring Ms. Milkie. It's known that prior to coming to our area, she worked for a company called Library Systems and Services out of Maryland that provides "library out-sourcing for new and existing libraries" on their website. Wikipedia describes LSSI as "a company that manages municipal libraries on an outsourced basis." In other words, privatization. Ms. Milkie's plans to fill the bookshelves with best sellers and trendy fiction and to increase the funding for dvd's at the monetary expense of other areas of the library is just one example of and well in line with how public library privatization is carried out. Given this coincidence, I would like to know if privatization is in fact in the cards for the Prendergast, and if you yourselves know nothing of this, can you find out? Thank you.

President Rabb: Thank you. Just briefly in response to a couple of your questions – and Jim or my council members can correct me - but I believe we have \$372,000 under the 2012 budget in the library and that the City of Jamestown and its taxpayers are the largest single contributor to the library if I remember correctly.

Councilman Dolce: The State is the largest. That's approximately I would guess 20%.

President Rabb: I think it's a little higher, but...

Councilman Dolce: ...20-25%.

President Rabb: It's still a fairly large piece.

Peter Morgante: Are the speakers working?

President Rabb: Yes they are Mr. Morgante. I'm sorry, I'll try to speak up. I'm losing my voice. No – this one here – I could hear fine, but...if you speak at the microphone, just get closer to it and try to speak clearly and loudly.

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Mr. Morgante: I'm standing right next to it. And I'm not hard of hearing.

President Rabb: I didn't say you were Sir.

Mr. Morgante: Okay.

President Rabb: I know better than that.

201203A00.03

Laura Simons, 133 Ellis Avenue: I'm speaking to the Council about the Prendergast Library and I'd like to thank you all for showing an interest in the future of the James Prendergast Library because there are many people like myself who consider the library to be part of their lives, past, present and future. Those of us who care about the future want to see JPLA continue to be an institution where one can improve oneself. We want the library to adapt to the changing times by keeping pace with evolving technology and the methods that people use to access information. That being said, Google is not the beginning and end of life-long learning. It is vitally important to have a guiding philosophy that is tied to the Library's mission so JPLA isn't just buffeted by the winds of change. I believe that the new Director who does not have a connection to the past sees the future in terms of circulation and little more. There are other more meaningful measures of success in my opinion. I'm pleading with the City Council to continue to make the future of the James Prendergast Library a priority. Please do not stop asking questions. Please don't stop drawing attention to the decisions that are being made. Once the Library is damaged, it will be many years before it can be set right. If we prevent our Library from befalling the fate of other libraries and systems that have been put asunder by leadership that doesn't respond to the concerns of the public, we will have a legacy that we can be proud of. If the JPLA Board of Trustees is not willing to listen to the public, perhaps they will listen to us through our tax dollars. Thank you.

201203A00.04

David Leach, 3126 N. Main Street Ext.: I have a series of questions and answers and a good deal of it is based on a paper written by Linda Mielke and Paula Singer and Gale Griffis. It's called "Swimming Upstream." It talks about her experience out in Indianapolis and the Marion County, Indiana Library System and more or less lays out her philosophy and ideology with regard to library management and administration. Did you know the Prendergast Library is broken? Linda Mielke seems to think so because she has announced that she is here to fix it. Did you know that our staff intensive model of library management and operation is so 20<sup>th</sup> Century and unaffordable that it must go? Did you know that the solution or the fix to this broken staffing system involves destroying this fine staff via a campaign of bullying, belittling and bugging it's members until they retire early or resign? And I think you'll see that's no exaggeration if you've read the letters from people who have resigned and I believe they've sent letters to the City Council. Part time replacements will fill these vacancies for now. Ideally, private management contracts will be given to meet any and all staffing

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requirements in the future. With regard to policy making at the Library, did you know that Ms. Mielke asserted at the March 22, 2012 Board meeting that the Prendergast had no written material selection policy? Did you know that when she was corrected, she turned up that non-existent policy document in the blinking of an eye? Did you know that our new Director neither admitted to an error, nor offered a mea culpa? Instead, she declared the once non-existent, but suddenly found document antiquated and in need of her experienced and professional fixing. Ms. Mielke also seemed to insinuate that only one underling was aware of this written material selection policy and that person had not brought it to her attention. Leaders can so easily fall victim to the failings and inadequacies of their subordinates. Even I didn't know that the meeting rooms at the Prendergast had...the meeting room policy at the Prendergast Library had to be changed to protect the Board and prevent inappropriate groups from using those facilities. In Ms. Mielke's experience such groups are not uncommon and the existing streamlined effective policy must be fixed to afford the Library and its Board protection. The rationale behind this policy was explained to me over the phone this afternoon by Director Mielke. Undoubtedly you know that the Library has increased its hours and will revamp its social media operations. These are good, but superficial policy changes that shouldn't distract us from the very serious damage that has been done and continues to be inflicted on the staff; not to mention the very serious likelihood that the Library will suffer grievous harm in the future if the current Director is given another contract. Thank you.

President Rabb: Thank you. Is there anyone else who would like to address the Council this evening?

201203A00.05

Marie Carruba, 19 Widrig Avenue: I've lived here for 29 years. I don't know how many of you know how often the James Prendergast Library has been named within the 100 top libraries in the United States based in its collection, based on its staffing, based on its reference materials. I am very concerned about what I've heard is going on which has been verified by several staff members. A lot of the non-fiction collection, which is the bulk of the materials that students that are required to do research papers for graduation, that that collection is being dismantled very rapidly because she feels, the Director Ms. Mielke, that non-fiction books are inappropriate, we don't need them anymore, nobody uses them, they're never checked out. A staff member of mine was at the Library recently and the history collection is pretty much gone. There's local history and everything else is no longer there on the 900 section of the Library. Well, a lot of the kids that do their research papers do like to use those materials and they're not there. The dismantling will not allow the Library to replace what they have accumulated over a number of years because of the cost. Those books are irreplaceable. As a parent – I'm concerned – because I know I was talking to my son and he has to do a research paper this year and it will be the non-fiction books that he will be looking for and he will be using the Prendergast Library and I hate to think what will be left for him to use once he tries to do that research paper. I have seen JCC's library and no offense – I know because we have the Prendergast Library that a lot of the colleges including JBC rely on the Prendergast Library, not only for their accreditation but for students use because it is an outstanding library. I think somebody already made the comment they've been all over and have never seen a collection like this. I've had a co-worker's daughter who is a student at Fredonia and she is using the

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Prendergast Library. She is not using Fredonia's library – so what does that say if everyone who in the local colleges and community use the Library for research? Why are we going to allow this to happen or continue to happen to see one of the greatest resources we've got in the community.... The only collection I can compare to this is the University of Buffalo and by far, because of the resources they have an outstanding collection, but that's also been in existence a lot longer. But short of that, I've never seen another library as wonderful, as well-staffed with people who care and are willing to help you find whatever you need...inter-library loans, through research, I've never seen anything like it and I would hate to see those individuals already mentioned retire or resign early or hastily because they cannot stand to deal with the present conditions at the Library so I hope you will consider it. I know the City gives a lot of money. I would hope it would continue but I would like to see some answers from the Board of Directors directed to the Council if you have concerns as many of us do about what is actually happening there. I realize they have a Board and that they have the right to hire and fire whom they choose but considering that we, as City taxpayers are a large benefactor of that Library, I believe there's some accountability to those individuals who are paying to support it, and I for one would like to continue to do that, but in a meaningful way that is not just going to purchase new fiction books. As in The Post-Journal yesterday, there was an article and every single book that was purchased was a fiction book and I have a feeling from what I'm hearing, that that's going to be the end result – that that's all you will see at the Library. So I hope you will get answers as much as we cannot get answers to all of what's going on. Thank you.

201203A00.06

Maximillian Suinletto 126 Fulton St.: I've been a resident my whole life. I have a letter here written by an employee of the Prendergast Library, but for fear of retribution from reading this, she didn't want to come, so I'd like to read it for her if that's okay?

President Rabb: Excuse me Sir. Does it specifically talk about her employment situation and allegations about treatment by staff members or the Director?

Max Suinletto: It's just general concerns about the Library.

President Rabb: But nothing about her/his specific situation? The only reason I'm asking that is if you read something from somebody who is not here about somebody who's not here...I'm not saying don't read it...I'm just asking you to use your judgment about parts of it. I hope I didn't stop you from reading the whole thing now. I wasn't...

Max Suinletto: I didn't think of that that way. I've never been to one of these City Council meetings before so if you'd like, I could read it, and if it crosses the line, you can...

President Rabb: If it crosses the line, as you can see, I've already asked somebody else to stop, but...why don't you go ahead.

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Max Suinletto: “I am an employee of the Prendergast Library and I’d like to express my concerns. Many other employees wanted to attend tonight’s meeting but were too afraid to speak up. I speak on behalf of many staff members who fear to voice concern but are torn by the ethical and moral obligation to alert the public about what is going on to their public library because it is our library as well. I suggest that you do a walk-thru the Prendergast Library and visually assess what has been done so far. Myself and another employee were told that we had to distance and disconnect ourselves from our family members who have been posting their own personal concerns about the library on face book and other social media outlets. If we refuse to oblige, I quote “our lives will be made miserable during our time at the library.” While I’m speaking out because morally I have to and yes I am fearful too of being fired. I do not like to make judgments based on first impressions but one of the first things Ms. Mielke said to me and I quote directly, “people in this town only know how to smoke, drink and watch movies – I’d better get with the program.” I was stunned and in shock at her lack of respect for our community. After all, she’s been given the position to provide directorship and leadership in one of our most valued institutions. I share the same belief that so many of the patrons I serve, the library is your source of information and with that information, you have the empowerment to make changes to better yourself in the community you live in. We are right now fighting to keep this avenue open; however, we are met with constant hostility at work from management. I and others are very suspicious about Ms. Mielke’s previous employment with LSSI and the privatizations of libraries. Although she may not be employed by them anymore, it appears that she is enforcing their philosophy. If you research what that exactly means, I believe that you will see there is reason to be very concerned. We need a strong, balanced library to make the community thrive and offer the tools, staff and materials to empower through knowledge first. Ms. Mielke’s agenda is just to fill the shelves with fiction and dvd’s. How does that not translate into enforcing censorship in our library and how does she know our community? Has she even had contact with the schools? Do Jamestown teachers realize that there will be very little non-fiction purchased to support their new curriculum of teaching non-fiction to students so that they can learn to ask questions and reassess their environment and get a better understanding of others? Does she know who uses the law books and why they are so critically important to keep on the shelves? She has been quoted as saying “the public doesn’t know what the hell they want.” But I strongly disagree. I’ve had the pleasure and honor of serving the public at the James Prendergast Library for years, and they want what they need and they have been used to getting it. Please remember the dedication, the loyalty of the James Prendergast Library staff two years ago during the massive renovations to the library. We the staff, did not leave one book, one shelf, one wall, one corner untouched. We moved thousands of books. We worked in absolute dire conditions and questioned the safety of being in an asbestos removal renovation, yet not one staff member quit. We were filthy and exhausted, but we believed in the Library enough to continue believing that it held a more promising future to come and we took pride in it.

Then, on my own personal note – going off of what this lady said earlier – I’m a recent graduate of SUNY Fredonia and also attended JCC previously and during my student teaching prep work, I basically lived at the Prendergast Library because it was over breaks and getting to Fredonia was difficult being that 60 often is really hard to travel on. Now only that, but the collection and resources I used there, I felt were on the same level as that that was offered at Fredonia. So, that’s all I have to say.

201203A00.07

George Fuller, 1274 Rte. 394:                      Actually, I live outside the City. I live in Falconer, but I was employed at the Prendergast Library until recently and before Ms. Mielke was even hired, when they announced that we were getting a new Director, we all did our own little bit of research about her – about all the candidates actually. We found some negative things and some of these things are now available – I’ve collected them all together and are on line – and in fact, it was something that I had done on behalf of the staff and on behalf of the community to gather this information and it was actually my gathering of this information that ended up in my being asked, ...well, actually, I was going to be fired...and then I was offered the opportunity to resign, which I did, but all I’ve done is gather this information. I think that if anyone were to take a look at the information that is freely available to the public, this information is startling and truly it’s, I feel that, she’s a threat to the collection; she’s a threat to the Library. All we’ve ever gotten from the Board is “give her the best opportunity, give her the benefit of the doubt,” and when we asked her questions what we get in response is retaliation of their own kind. One of the letters that I wrote to the Board, instead of answering the questions that I had for the Board, the response that I got was that “I was attacking the Director and that my tone was unacceptable and that I was being dishonorable.” These things didn’t make much sense to me when all I was doing was asking questions of them and wanting answers as to what is going on? Why the changes? Why these things have to go on when, in my opinion, and in many peoples’ opinion, the system wasn’t broke so why fix it? That’s a question that many of us have come here tonight to ask is “why the changes, why are we doing these things, when the library has been – as everyone has said and as history has shown us, a shining jewel of our community?” That’s all I have to say. Thank you.

201203A00.08

Marie Carrubba, 19 Widrig Ave.:                      One of my biggest concerns is her dealing with the reference materials and she feels that a lot of them are very expensive like McKinney’s and there’s no point in having McKinney’s in the library anymore. As you know, as an attorney as I do, McKinney’s are the laws of New York State and every citizen should be entitled to have access to the laws of the State where they live. The fact that it’s expensive is of no concern to me because as a citizen as a public duty, I feel it’s important that everyone should have access to it. The fact that it’s in Mayville, I believe is what she feels that people can go to Mayville and get this, but it’s not accessible in Mayville to most individuals, so I would hope, again, that you would consider that these are things that are being dismantled and taken out of the Library and I think it’s really a disservice to the entire community. People will not have access to things as simple as the laws of the State. Thank you.

201203A00.09

Mark Soule, 19 Kelsey Place:                      I’m just a casual library user. I don’t go there that often but I had heard a lot of changes were going on so I stopped by there after not having been for a couple of months. I was really shocked at the changes I saw. As it’s already

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been said, the reference section has been probably cut in half – all that space has been taken over by VHS video tapes. There's so many blank spaces on the library shelves and where have all the books gone? What is the long term plan? It's just a rumor, but I did hear that eventually all the books are to be moved downstairs. If that's the case, I mean that's a lot of books they're going to have to discard and I think people need answers. As it's been said before, we're the taxpayers who help support it. There should be some accounting to us. Thank you.

**STANDING COMMITTEES**

**FINANCE COMMITTEE**

201203A01

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 \$4,835,669.88 in accordance with the period ending March 25, 2012, 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 \$3,577,533.66, and payrolls in the total amount of \$1,258,136.22, 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

201203A02

BY COUNCILMAN DOLCE:

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 Lincoln School Tree Planting Program for the Parks, Recreation and Conservation Department subject to the approval of the Corporation Counsel as to form.

Councilman Dolce: I just wanted to thank the Community Foundation for once again stepping up and contributing to help our Parks & Rec Program with the trees that we plant every year.

Carried: 8 ayes, 0 nays

201203A03

BY COUNCILMAN DOLCE:

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 \$800 for the purpose of funding a portion of the cost of the 2012 Parks, Recreation and Conservation Department Summer Band Shell Concert Series subject to the approval of the Corporation Counsel as to form.

Councilman Dolce: They are helping our summer program there.

Carried: 8 ayes, 0 nays

201203A04

BY COUNCILMAN DOLCE:

RESOLVED, That the Mayor of the City of Jamestown be, and he hereby is, authorized to enter into a three-year contractual agreement with Allpro, LLC, 465 Main Street, Buffalo, New York 14203 for the management of three (3) city-owned parking garages and four (4) surface parking lots, September 1, 2011 to December 31, 2014, \$24,100, January 1, 2013 to December 31, 2013, \$24,700, January 1, 2014 to December 31, 2014, \$25,300 subject to the approval of the Corporation Counsel as to form.

Carried: 8 ayes, 0 nays

201203A05

BY COUNCILMAN DOLCE:

WHEREAS, the City of Jamestown desires to alienate approximately 20.95 acres of land within Chadakoin Park, which land is more particularly described in the attached legal description, and

WHEREAS, the subject land will continue to be utilized as land owned by the City of Jamestown, New York but will not be utilized as dedicated park land, and

WHEREAS, property owned by municipalities and dedicated to parks purposes is held in trust for the public and cannot be alienated without express state legislative authorization, and

WHEREAS, substitute land of approximately 23.86 acres which land is more particularly described in the attached legal description will be made available prior to the completion of the alienation process, and

WHEREAS, the appropriate home rule legislation has been drafted and is entitled "AN ACT TO AUTHORIZE THE CITY OF JAMESTOWN, IN THE COUNTY OF CHAUTAUQUA, TO DISCONTINUE THE USE OF CERTAIN LANDS AS PARKLANDS" and is denoted as Assembly Bill No. A.9493 and Senate Bill No. S.6585, and

WHEREAS, the City of Jamestown desires the enactment of the aforesaid home rule legislation, now therefore be it

RESOLVED, that the Mayor be, and he hereby is, authorized and directed to execute a home rule request for A.9493 and S.6585 referred to above, and be it further

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RESOLVED, that the Corporation Counsel is hereby authorized and directed to transmit the appropriate home rule request forms to Senator Catherine M. Young.

Councilman Dolce: This is a procedural transfer of property that will permit us to continue using the landfill site for our yard waste and replacing that with other parkland.

Carried: 8 ayes, 0 nays

201203A06

BY COUNCILMAN DeJOY:

RESOLVED, That warrants be drawn and paid to the respective owners and paying agents the sum of seventeen thousand one hundred thirty dollars (\$17,130.00) 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 two thousand one hundred thirty dollars (\$2,130.00) for six months interest at 7.10% per annum on sixty thousand dollars (\$60,000).

Carried: 8 ayes, 0 nays

201203A07

BY COUNCILMAN DeJOY:

RESOLVED, That warrants be drawn and paid to the respective owners and paying agents the sum of twelve thousand five hundred seventy-eight dollars and thirteen cents (\$12,578.13) in accordance with the bond and note requirements as follows:

**Public Improvement Bonds, Series A**, issue of March 9, 2006, twelve thousand five hundred seventy-eight dollars and thirteen cents (\$12,578.13) for six months interest at 4.00% per annum on six hundred fifty thousand dollars (\$650,000).

Note: Refunding of 1999B (partial) issue. Interest savings \$4,648.12 for this payment.

Carried: 8 ayes, 0 nays

201203A08

BY COUNCILMAN DeJOY:

RESOLVED, That the City Comptroller be, and he hereby is, authorized to make the following amendment to the 2012 General Fund Budget for the purchase of two (2) pick-up trucks for the Parks Department (to replace two 1997 trucks, #210 and #204) as follows:

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INCREASE: Appropriations \$44,200.00  
Parks Department Equipment  
A.7110.0200

DECREASE: Appropriations \$44,200.00  
Contingency  
A.1990.0400

Councilman DeJoy: Mr. President, this is considered an emergency appropriation and it was unanticipated during our budgeting process, but these two pieces of equipment, pick up trucks, have seen their life come to an end. The repairs far outweigh the safety aspects for our employees.

Carried: 8 ayes, 0 nays

201203A09

BY COUNCILMAN DeJOY:

RESOLVED, that Detective Eric Corey be, and hereby is, authorized to attend the EAP Training Seminar to be held March 19 through March 23, 2012 in Albany, New York with expenses paid pursuant to Section 77-b of the General Municipal Laws of the State of New York.

Carried: 8 ayes, 0 nays

**PUBLIC SAFETY:**

201203A10

BY COUNCILMAN SZWEJBKA:

RESOLVED, That the Jamestown City Council hereby grants the following organizations a Games of Chance license:

Jamestown Area YMCA

Carried: 8 ayes, 0 nays

201203A11

BY COUNCILMAN TAYLOR:

WHEREAS, on September 20, 1971, a Commission on Reapportionment was established and subsequently amended on September 15, 2003 with its membership structured as follows:

One attorney recommended by the Jamestown Bar Association; one citizen recommended by each of the three political parties receiving the largest votes in the last gubernatorial election

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through their City Committees; two Councilpersons designated by the Council President; the Corporation Counsel; the City Clerk; and three citizens nominated by the Mayor, and

WHEREAS, the Jamestown Bar Association has recommended John Samuelson, and

WHEREAS, Dr. Benjamin Okwumabua, has been recommended by the Democratic Committee, and Anthony J. Dolce has been recommended by the Republican Committee, and

WHEREAS, the City Council President has designated Council members, Gregory P. Rabb and George Spitale, and

WHEREAS, Marilyn Fiore-Lehman, Corporation Counsel, and James N. Olson, Director of Financial Services/City Clerk, will serve by virtue of office, and

WHEREAS, the Mayor has nominated James Tumminia, Martha Zenns and Marie Carrubba; now, therefore be it

RESOLVED, That the aforementioned persons be, and they hereby are, confirmed as members of the Commission on Reapportionment.

Carried: 8 ayes, 0 nays

**NEW BUSINESS:**

201203A12

BY COUNCILMAN DOLCE:

WHEREAS, on November 23, 2009 by resolution 200911B15 the Jamestown City Council authorized the Mayor to enter into an inter-municipal agreement with the County of Chautauqua for a joint tax collection agreement that maintains procedures for the collection and enforcement of real property taxes that are equivalent to those afforded to the towns, villages and school districts outside the two cities, including the guarantee of all taxes authorized; now therefore be it

RESOLVED, that the Mayor be, and he hereby is, authorized and directed to enter into a Property Tax Collection and Enforcement Agreement with the County of Chautauqua for a term not to exceed five (5) years, January 1, 2012 – December 31, 2016 that maintains procedures for the collection and enforcement of real property taxes that are equivalent to those procedures afforded to the Towns, Villages and School Districts outside the two cities, including the guarantee of all taxes, subject to the approval of the Corporation Counsel as to form.

Councilman Dolce: This is just a re-upment of the tax foreclosure procedure, collection procedure that we've had going back to 1996 with Chautauqua County before that time the City was in the business of that and back in 1996 we worked a deal out with Chautauqua County so that they would collect those taxes for us and this is just extending that contract again with Chautauqua County.

Carried: 8 ayes, 0 nays

BY COUNCILMAN SPITALE:

RESOLVED, that Jeffrey Lehman, P.E., Director of Public Works and Acting Director of Parks, Recreation & Conservation, is hereby authorized and directed to make an emergency purchase from Lake County Chrysler Dodge, Inc., 1001 Washington Street, Jamestown, New York, 14701, of two (2) new 2012 Dodge Ram 4 x 4 Quad Cab Pickup Trucks, for the amount of \$21,379.00 each, for a total amount not to exceed Forty-Two Thousand Seven Hundred Fifty-eight Dollars (\$42,758.00), said vehicles for use in the Parks, Recreation & Conservation Department.

Councilman Spitale: They're replacing older pickup trucks that needed so much work that it was cheaper to purchase the new ones and that's recommended to the Council.

Councilwoman Ecklund: I just want to clarify for people who are here so they don't think that we are purchasing four new vehicles. The first resolution was No. 8 which was just to give us the okay to transfer the funding from one account to another and this resolution No. 13 is just the purchase of the vehicles.

Carried: 8 ayes, 0 nays

Councilman Dolce: I just want to thank the members of the community that came tonight to express their concerns about the Library. Over the course of the last several months, many of us have received correspondence, emails, mail, phone calls and certainly we share your concerns and one of the questions that the gentleman that first came up asked about the amount of money, the percentage and where we really play as a legislative branch – again, \$372,000 a year is allocated to this agency from the City Budget. In my time on Council, it's changed very little over the years and then there were years we had debated to cut some of that, and I can tell you that that didn't go over well. The community overwhelmingly came out and supported the Library and it's a very important asset and it's important to us, it's important to everybody in the community. The other question about what is it that we can do, I have spoken to a few of the Board members. It sounds to me like there seems to be a block here somewhere between the concerns and the Board – I don't know what that is. I know that we can continue to try hopefully to resolve this in some way. Again, we don't have up here, other than the appropriation of the money, the Board has its own – it's an independent Board. The Library is an agency – it runs on it's own. We certainly are concerned. I know that Councilman Taylor has been to some meetings, President Rabb and we hear you and we certainly would like to continue the dialogue and hopefully come to some sort of resolution to preserve our Library and move forward. Thank you.

Councilman Taylor: Thank you Mr. President. I too want to thank the community for coming out and it's not too often that we get a crowd like this at City Council meetings so you know when the public comes out – it's pretty important. We have been on top of this situation for some time and basically in what limited capacity we can do, a lot of us – our hearts, our thoughts, go out to you the staff. I'm just really more or less talking to myself. I don't want to talk for the whole body, but certain things being done are a step in the right direction. For those

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who did attend the Board meeting last week, we were asking just as community members more or less for the public forum. At that point it was put off. It was just said to me before we came out here, that that will be taking place soon; so at least that's a step in the right direction. Also, there are some of us in this body who have been in contact with Linda Mielke to meet and talk about some of these problems as well – so that's another step in the right direction. We will just by your interest stay on top of things, but everyone is doing all they can to have some resolve. A lot of the stuff does go outside of our job duties obviously, but as community leaders and representatives too, we take that seriously.

Councilman DeJoy: I too would like to thank the community for coming out and expressing their concern for the direction of our Library and as my colleagues have stated that the appropriation is somewhat of a contractual type arrangement; but I do agree that there is a level of accountability with this appropriation because after all, we are not appropriating our money. We are appropriating the citizens of Jamestown who pay property taxes and go to support it. I think when it comes budget time, I think it is appropriate to ask questions, if they haven't been addressed as to the direction and what does the Library, the Board and our Executive Director in what direction do they intend to take this gem – one of the greatest assets in the City of Jamestown. So I don't believe that we have a role in managing the day-to-day operations, but I do believe that there is a level of accountability with this appropriation. Thank you Mr. President.

There being no further business, the meeting was adjourned.

James N. Olson  
Director of Financial Services/City Clerk