

April 27, 2009

City Council

Proceedings by Authority

State of New York
City of Jamestown
City Council Chambers

ss:

A regular meeting of the City Council of the City of Jamestown, New York was held on Monday, April 27, 2009 at 7:30 p.m.

Members Present: Council Members Anthony Dolce, Vince DeJoy, Maria Jones, Paul Whitford, Kim Ecklund and George Spitale

Members Absent: Council President Greg Rabb, Council Members Steve Szwejbka, Michael Taylor

Others Present: Director of Financial Services/City Clerk James N. Olson, Corporation Counsel Marilyn Fiore-Nieves, Director of Public Works Jeff Lehman, Director of Public Safety/Police Chief Rex Rater, Director of Development Steven Centi

In the absence of Council President Rabb, Director of Financial Services/City Clerk James N. Olson called the meeting to order.

Rev. Sally Chall of the Zion Covenant Church gave the invocation.

Councilman DeJoy moved to nominate Councilwoman Jones as President Pro-Tem.

Councilwoman Ecklund moved to close the nominations and cast one unanimous ballot.

Carried: 5 ayes, 0 nays

Councilwoman Ecklund moved to approve the minutes from the March, 2009 meeting.

OPPORTUNITIES FOR PERSONS TO ADDRESS THE COUNCIL

200904A00.01

Peter Morgante, 134 Euclid Avenue: I've been attending Council meetings for 20 years and this is by far the worst Council meeting I've ever seen when nobody even shows up. There's only five of you here. How are you going to vote on anything? It's just unbelievable. I cannot believe this. Nobody is here at a public meeting which is a voting session and council people do not even show up for their job. What the heck is this? You've been in office for 18 months. A new budget is coming up pretty soon, you're fighting for everything and we've got so many darn issues, but you people have never addressed in all the years in Public Safety...our City is falling apart and no City Council people even come to the darn meetings. Thank you.

April 27, 2009

200904A00.02

Denis Moore 1109 East Third Street: I'm here tonight because of this yellow sheet that was on my windshield the other day about the parking meters. So I thought I'd write some comments down and leave them behind. I have meters in front of my office at 400 Lafayette Street. The meters used to be 2 ½ hours for \$.25. Now it's 30 minutes for \$.25 – that's a 500% increase. If an employee parks downtown, that's \$4.00 a day, \$20.00 a week, \$80.00 a month. My customers have complained to me about the meter situation. One solution might be to offer dated parking stickers to people who want to buy them which might be good for a month or whatever they could be dated and stamped for however many months that individual pays for parking. It could be used at meters or in the lots. There's probably some logistics to be contended with there, but that might be a solution. If you need those stickers, you can get them at ADKO by the way. That's all I have to say. Thank you.

Mr. Olson: Mr. Moore, it's against the Vehicle & Traffic Law to provide a permit for a metered parking space in New York State.

200904A00.03

James Slagle, Hotel Jamestown, 110 W. Third Street: You know, there might be just a few of you up there, but it only takes a few to listen and I appreciate what the Council's been doing so far in the City of Jamestown. I talked to Jeff a few minutes ago and it looks like we might get Fifth Street done this year – we hope. Again, I want to extend my special thanks to Chief Rater; his men are doing a terrific job out there taking care of us people and doing their jobs. I see the patrol cars are out – they've been out quite a bit today and there's a few issues I want to talk to Mike about, but he isn't here tonight. I'm still wanting to get some of these red lights into arrows especially on Washington and 4th because people come up there – at the time you come up to that street ready to turn, here comes another batch of cars coming up Washington Street coming down and it's very dangerous on that corner. If you can see it in your budget to get this done, I would appreciate it, and again a few can do a lot more than a bunch of us can and I'm real thankful for what you guys do up there. It's a hard job and Chief Rater – his job isn't easy either and I know because I'm an ex-lawman myself and so I know he's doing a very good job and I thank you very much.

200904A00.04

Judy Gustafson, 139 Hotchkiss Street, Lyndsay Isaac Lopus, 147 Price Ave., W.E. and Lori Robsis, 516 E. 2nd St. (I believe I'm the only one speaking though): I'm also addressing the parking issue. I represent the TEAM Program. I'm a team school counselor with Jamestown Public Schools. The Team Program is located in the Chadakoin Center and I represent 13 employees and 3 volunteers who work in our program who need to park near the corner of Third and Washington Street each day that school's in session. As was mentioned previously, the rate for parking has risen from

April 27, 2009

\$15.00 a month to \$80.00 a month with the new prices for the 12 hour meters. For people who work in childcare which is a number of our employees and make close to minimum wage, this represents approximately 10% of their gross income that they would have to pay for parking in order to park at these meters. If the thought is that we wanted to leave these spaces open to attract shoppers to the downtown, I would like to point out that the people who shop downtown are primarily the people who work downtown and these people who work downtown whom I'm representing and also other people I've talked to who have visited our building and people that I've encountered on the street near to our building are angry, they're upset and they're very, very discouraged. I don't think it's creating a good relationship between them and the City of Jamestown to have this drastic increase in parking. If we're concerned about revenue from the parking meters, one of the things I've been able to observe from my office window is that the lot across the street from the building on Washington Street is now nearly empty every day and it used to be full every day at at least a dollar a day per car. Now no one parks there because people are boycotting these spaces. The lot at the corner of Fourth and Lafayette is also empty nearly every day and the spaces along Lafayette Street that I have to walk by to get to my free parking spot which is approximately five or six blocks away from the building are also empty every day. The burden of this raise in the parking prices is on the people who can least afford it and it is creating a real hardship for them. The problem is that it's such a drastic change and for these people I am speaking tonight. Also, we have employees in our program because we do social work and we do a lot of coming and going and the other parking options that are available downtown are not realistic for us. One of my employees who needed to come and go a lot to accompany our students to advocate for them in Court and so on, spent \$11 coming and going and trying to feed meters all day, in one day. It's a disruption of my employees' work to have to go and move their cars or to feed parking meters and the ramp is not a realistic solution because in the ramp, if you use the affordable day passes, you cannot come and go so it makes it impossible for our social workers to do the work that they have to do. I would like the Council to take this under consideration. I very much appreciate the opportunity to speak to you tonight, and I hope that this is something that can be resolved because there are very many people who are very upset about it.

200904A00.05

Frank Migliore, 31 Harris Ave.: This is in regard to a road that I'm on is Orms and Harris and what I'm concerned about is the Orms Street condition and while the road has previously been coated with a gravel and an oil mixture for years whenever it periodically needed it and so it's been left to the point where I guess they talked about it being an environmental situation where it's dangerous to the public so all these years have passed – I'd say maybe 25 years or so – and this condition has never been remedied for the road. The street now has been deteriorating and I appreciate the fact that the street does get plowed in the winter time, but what happens is the plow does plow the road of snow, it keeps digging deeper and deeper into what exists now a little bit of asphalt. So what I'm asking is that something could be done to the road to sort of build it up and put some kind of a coating to build it up again to where it originally was and there's an approach from Orms into Harris Avenue where it's eventually eroding because of the fact of the plowing

April 27, 2009

and so what's happening there is it's rising there to where I believe that one of these days in the future, the underneath of my car will probably be torn away and, in fact, this actually involves two neighbors: myself and my next door neighbor – we use the road for our vehicles which are parked in the garage; so I ask the Council to consider the situation and see if they can't do something about it and this is in reference to Mr. Lehman – he's seen me and I've seen him on this situation and he's indicated to me that it would be done in the future. Well the future's laid back about six-seven years and here we are today with nothing being done so I would like to ask him to look into this situation and I would like the Council to look into this situation also. Thank you very much.

Councilman Dolce arrived.

REPORTS OF STANDING COMMITTEES

FINANCE COMMITTEE

200904A01

BY COUNCILMAN DEJOY:

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 \$5,131,131.06 in accordance with the period ending April 27, 2009, a 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 \$3,409,244.80, and payrolls in the total amount of \$1,351,113.63, 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: 6 ayes, 0 nays

200904A02

BY COUNCILMAN DEJOY:

RESOLVED, That the Mayor of the City of Jamestown be and he hereby is authorized to enter into an agreement with the Municipal Insurance Consultants, Inc. 5687 Main Street, Williamsville, New York 14221, as Insurance Advisor for property and casualty insurance for the period April 15, 2009 through April 14, 2010 in the amount of seventeen thousand dollars and no cents (\$17,000.00) with one-half of the cost paid by the Board of Public Utilities subject to the approval of the Corporation Counsel as to form.

Carried: 6 ayes, 0 nays

April 27, 2009

200904A03

BY COUNCILMAN DEJOY:

RESOLVED, That the Mayor, be and hereby is, authorized to enter into a purchase agreement with Hoselton Chevrolet, Inc., of 909 Fairport Road, East Rochester, New York for one (1) 2009 Chevy Impala in the amount of \$19,995, subject to the approval of the Corporation counsel as to form.

Note: Purchase costs to be paid from the 2009 Police Department Budget

Carried: 6 ayes, 0 nays

200904A04

BY COUNCILMAN DEJOY:

RESOLVED, that the Mayor be, and hereby is, authorized to enter into a purchase agreement with Delacy Ford Inc., of 3061 Transit Road, Elma, New York for one (1) 2009 Ford Explorer in the amount of \$25,376, subject to the approval of the Corporation counsel as to form.

Note: Purchase costs to be paid from the Domestic Violence Grant

Councilwoman Ecklund: I just want to note that the money for this Ford Explorer – the purchase is being made through a Domestic Violence Grant so that the public is aware of that.

Carried: 6 ayes, 0 nays

200904A05

BY COUNCILMAN DEJOY:

RESOLVED, That the Mayor be, and he hereby is, authorized to enter into a Software Subscription agreement with T2 Systems, Inc., 7835 Woodland Drive, Suite 250, Indianapolis, Indiana 46278 for the January 1, 2009-December 31, 2009 time period with a renewal option for one year in the amount of \$3,600 subject to the approval of the Corporation Counsel as to form.

Carried: 6 ayes, 0 nays

200904A06

April 27, 2009

BY COUNCILMAN DOLCE:

WHEREAS, on February 6, 2009, the Jamestown Urban Renewal Agency (JURA) received a letter from the Chautauqua Region Industrial Development Corporation (CRIDC), a for-profit subsidiary of the Chautauqua County Industrial Development Agency (CCIDA), offering to purchase the JURA-owned property located at the corner of Foote Avenue and Harrison Street also known on the Chautauqua County Tax Map for the City of Jamestown as Section 387.50, Block 1, and Lot 5, for the purchase price of \$27,000.00; and

WHEREAS, on February 13, 2009, the Jamestown Urban Renewal Agency approved the sale of the property located at the corner of Foote Avenue and Harrison Street also known on the Chautauqua County Tax Map for the City of Jamestown as Section 387.50, Block 1, and Lot 5, to the Chautauqua Region Industrial Development Corporation for a purchase price of \$27,000.00; and

WHEREAS, the sales price of \$27,000.00 is equal to the assessed value of the property located at the corner of Foote Avenue and Harrison Street also known on the Chautauqua County Tax Map for the City of Jamestown as Section 387.50, Block 1, and Lot 5; and

WHEREAS, the terms of the sales contract have been reviewed by JURA legal counsel and found to be proper and complete in form; and

WHEREAS, in accordance with New York State General Municipal Law, the sale of the property located at the corner of Foote Avenue and Harrison Street also known on the Chautauqua County Tax Map for the City of Jamestown as Section 387.50, Block 1, and Lot 5 by the Jamestown Urban Renewal Agency to the Chautauqua Region Industrial Development Corporation, requires ratification by the governing body of the City of Jamestown as to the contract form and its fair market value; now therefore be it

RESOLVED, that the Jamestown City Council hereby approves the sale by the Jamestown Urban Renewal Agency to the Chautauqua Region Industrial Development Corporation of the property located at the corner of Foote Avenue and Harrison Street, also known on the Chautauqua County Tax Map for the City of Jamestown as Section 387.50, Block 1, and Lot 5, and by this ratification agrees that the terms of the sales contract are acceptable in form and that the property is being sold at a fair market value.

Carried: 6 ayes, 0 nays

200904A07

April 27, 2009

BY COUNCILMAN DOLCE:

WHEREAS, funding has become available through Empire State Development Corporation of New York State for the Restore New York Communities Initiative, a grant program which is designed to provide municipalities with funding assistance that covers up to ninety percent (90%) of eligible costs for projects involving vacant, abandoned, surplus or condemned commercial and/or residential buildings within their control; and

WHEREAS, a proposed project involving the former Dahlstrom Manufacturing complex and the former Eire Rail Station have come forth that meet the criteria for project sponsorship as set forth in the Request For Funding Proposals (RFFP) issued by Empire State Development Corporation; requesting a total of two million five hundred thousand and 00/100 cents (\$2,500,000.00) in Restore New York Communities Initiative funding; and

WHEREAS, the project has been reviewed and found to be consistent with existing local plans and have providing sufficient documents to indicate that they will effectively utilize valuable public resources to promote economic development, preservation of community resources and assist in sustaining employment opportunities; and

WHEREAS, said projects would not be able to move forward without the leverage of grant monies from the Restore New York Communities Initiative: said financial need being documented by the applicant's project budget and financial institution letters of intent to commit primary financing; now therefore be it

RESOLVED, that the City Council of Jamestown, New York is fully committed to and supportive of the funding application for the Restore New York Communities Initiative and that the proposed financing with Restore New York Community Initiative funds is an appropriate use of funds for community and economic development.

Carried: 6 ayes, 0 nays

200904A08

BY COUNCILMAN DOLCE:

WHEREAS, funding has become available through the New York State Housing Trust Fund for the New York Main Street "Main Street Grant Program" which is designed to provide New York communities with financial and technical resources to assist with main street/downtown revitalization efforts; and

WHEREAS, the New York Main Street "Main Street Grant Program" is offering up to \$200,000 per community for the following three broad categories of grants; Building Renovation Grants, Downtown Anchor Grants and Streetscape Enhancement Grants; and

April 27, 2009

WHEREAS, a partnership of private enterprise local and state government organizations, local not-for-profits including; Jamestown Development Company IV, LLC (JDC), the Jamestown Local Development Corporation (JLDC), the Greater Jamestown Empire Zone (GJEZ), Jamestown Urban Renewal Agency (JURA), Jamestown Renaissance Corporation (JRC) and Downtown Jamestown development Corporation have worked collaboratively to identify the Wellman Building and annexation Project, a renovation of the Wellman Building and ancillary structures, as Jamestown's designated New York Main Street "Main Street Grant Program" anchor grant project; and

WHEREAS, additional monies will be applied for under the Building renovation and Streetscape Grant categories that will leverage local public and private investment in buildings in the target main street area; and

WHEREAS, representatives of the New York State Division of Housing and Community Renewal (NYSDHCR), who are administering the New York Main Street "Main Street Grant Program", have recommended the Jamestown Local development Corporation (JLDC) as the local applicant for the purposes of this grant application; and

WHEREAS, said revitalization of Downtown Jamestown is consistent with and in support of the City of Jamestown Comprehensive Plan (1998) and the City of Jamestown Urban design Plan (2006); now therefore be it

RESOLVED, that the City Council of Jamestown, New York is fully committed and supportive of the funding application for the New York Main Street "Main Street Grant Program" by the Jamestown Local Development Corporation who will also serve as administrator and coordinator of the New York Main Street "Main Street Grant Program," should the Jamestown Community be successful in securing this grant.

Carried: 6 ayes, 0 nays

200904A09

BY COUNCILMAN DOLCE:

RESOLVED, That Mark Schlemmer, P.E., be, and he hereby is, authorized to attend the Annual State Highway School, June 1-3, 2009 in Ithaca, New York with expenses paid pursuant to Section 77-b of the General Municipal Law.

Carried: 6 ayes, 0 nays

PUBLIC WORKS

200904A10

April 27, 2009

BY COUNCILMAN SPITALE:

RESOLVED that the bid submitted by Epic Contracting, 3576 South Benzing Road, Orchard Park, NY 14127, for CITY HALL ELEVATOR ASBESTOS ABATEMENT, based on the bid opened Monday, April 13, 2009, in the following amounts, be and the same hereby is accepted:

Base Bid	\$ 190,000
Erection of Scaffolding	\$ 25,000

this being the lower of two bids received meeting specifications, and be it further

RESOLVED that the Mayor be, and he hereby is, authorized to execute an agreement with Epic Contracting, which agreement will reflect the services to be performed by Epic Contracting. at the prices referred to above, said agreement to be subject to approval as to form by the office of the Corporation Counsel.

Carried: 6 ayes, 0 nays

200904A11

BY COUNCILMAN SPITALE:

RESOLVED that the bid submitted by Villager Construction, Inc., 425 Old Macedon Center Road, Fairport, NY 14459, for COLD MILLING 2009, based on the bids opened April 20, 2009, in the following amounts, be and the same hereby is accepted:

First Two Inches (1-2") General Cold Milling at \$0.85/SY
Additional Three Inches (3-5") General Cold Milling at \$1.00 /SY
Every Additional One Inch (6" +) General Cold Milling at \$.05/SY
Dump Truck (optional) at \$85.00/HR

this being the lowest of three bids received, and be it further

RESOLVED that the Mayor be, and he hereby is, authorized to execute an agreement with Villager Construction Inc., which agreement will reflect the services to be performed by Villager Construction 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: 6 ayes, 0 nays

PUBLIC SAFETY

April 27, 2009

200904A12

BY COUNCILWOMAN ECKLUND:

RESOLVED, The Jamestown City Council hereby strongly supports the Department of Youth Services' March Against School Violence on Saturday, May 9, 2009, and who has collaborated with the Jamestown Public Schools, Cassadaga Job Corp., Jamestown Police Department, United Way and Senator Catherine Young's office, to bring awareness to the senseless crimes on your educational facilities.

Carried: 6 ayes, 0 nays

NEW BUSINESS

Councilman Dolce: Just a quick comment. I want to go back just to review. On the two purchases, Resolutions No. 4 and 5, there was an attempt by the City to go local on those. I just wanted to make the public aware that those were bought off a state bid and we tried to go to a local dealer for those, but because of the circumstances there, we were not able to do that. This was the best price that we could get, so I want to make sure that the public knows that we did make every attempt and do make every attempt to purchase anything we can locally when it's possible. Thank you.

Councilman Spitale: I have an announcement to make. Saturday, May 2nd at 11:00 A.M. the location – Erlandson Park – there's a workers' memorial to honor workers who were killed or injured on the job. It'll be at 11:00 A.M. If you're going that way, you turn right on Frew Run Road in Frewsburg and the sign is on the left. I hope the public will show up for that. Thank you.

There being no further business, the meeting was adjourned.

James N. Olson
Director of Financial Services/
City Clerk