

August 29, 2016

City Council

Proceedings by Authority

State of New York
City of Jamestown ss:
City Council Chambers

A meeting of the City Council of the City of Jamestown, New York was held on Monday, August 29, 2016 at 7:30 p.m.

Members Present: Council President Greg Rabb and Council Members, Tony Dolce, Vickye James, Marie Carrubba, Maria Jones, Tom Nelson, Kim Ecklund, George Spitale

Members Absent: Brent Sheldon

Others Present: James N. Olson, Director of Financial Services/City Clerk, Corporation Counsel Marilyn Fiore-Lehman, Director of Public Works Jeff Lehman, Police Chief/Director of Public Safety Harry Snellings, Deputy Fire Chief Chet Harvey, Director of Development Vince DeJoy

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

The Invocation was given by Councilwoman Rev. Maria Jones.

Councilman Spitale moved to approve the minutes from the July 25, 2016 meeting.

OPPORTUNITIES FOR PERSONS TO ADDRESS THE COUNCIL

201608A00.01

Mr. Rasmussen: Cory Rasmussen, 37 Eagle Street, Jamestown, New York. I've just spoken with Mr. Lehman again. We have an issue. We live right in the middle of Eagle Street off of Willard Street and we have had some major water problems. My garage is broken in four pieces now. The cement in our apron is broken, the water comes up over the curb, goes down our driveway into our neighbor's lawn. This is our neighbor across the street on the hill. I have pictures of all this. The last time we had the heavy rain; the sewers are not able to handle any of this stuff. It is causing terrific damage. They've been working on it. They have a camera; they're going to scope the lines to see what can be done. It's broken at this point, but we just wanted to make everybody aware of this because the sewer system up there isn't working properly or able to handle that. Our road was just redone about three years ago and since then all of these issues have occurred. They have found a pipe that isn't connected. They haven't dug down, but they've done their little sticks and found a pipe that stops. I have sinkholes that have been filled in several times. I have one open one right now; mowing the lawn last week, the back tire, further away from it, away from the sinkhole actually started to go down. This is where the garage is and where the main storm sewer goes down through. I just wanted to make you aware that we're having these issues. I know the city is working on it and they're trying to, but I just want to make

August 29, 2016

other people aware of what's going on with our property up there. We literally had Niagara Falls coming through his lawn, which washed out underneath where he has a garage too from up on Vega Street and I know they've worked up there, but these sewers were just blowing water out, two or three streets down, all the way down and I realized there was a lot of water that night, but if it had rained fifteen minutes more, I would have had water coming in my side door. So it's just not handling what needs to be handled and it's literally caving in my lawn all the way down through where I have another garage too, into my neighbors; it washes his driveway out every time it rains hard. And that's where the main storm sewer goes down through.

Council President Rabb: But, you're working with Mr. Lehman?

Mr. Rasmussen: Yes. But I had made a couple calls this week and gotten no return calls, so I figured maybe this was the next step to take. That's pretty much what I had to say. Thank you very much for your time.

Council President Rabb: Thank you.

201608A00.02

Mr. McQuay: My name is Richard Edward McQuay senior. I live at 368 Buffalo Street, apartment 2. I'm here today because Albany issued a mandate demanding that in order to buy tobacco or alcoholic products, you must have a New York State driver's license. I'm seventy-seven years old. I don't own a vehicle, so what do I need a driver's license for? I do have a state photo ID. It has my photo on it, it's got my name and my birthdate on it. They say this is an invalid ID because it cannot go through the cash register. That is not right law. Why? Because every time I go to buy food stamps, it goes through the cash register. If I buy food and something that is non-food, the cash register separates it into two separate bills. Now it even has the seal of New York right on it. They say this is an invalid ID, but yet all my doctors and the hospital and medical personnel, they accept it with no questions asked. Because of the mandate, I am stuck going around picking up cigarette butts just so I can get tobacco to smoke. When it comes time to roll them – sometimes I've run out of cigarette papers and I have to cut up pieces of paper just to roll cigarettes. I went and got a - what they claim is a law that the mandate is based upon. I highlighted some of the things I was going to mention. But then an advisor of mine told me that that would be worthless because this is not law. This is still in committee. It hasn't even been made into law yet. And yet, New York State has passed a mandate based upon something that's not even a law. As of noon today, it says right here; current bill status in committee. So it's not even out of committee yet. As the state is making the laws, mandates based upon what they claim is a law. Now you may look at me and I may be dirty and I might smell of body sweat. But that can be remedied by a little bit of soap and water. What the Democrat party is doing, there is nothing that can clean that mess up.

August 29, 2016

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

201608A00.03

Mrs. Knapp: Good evening. My name is Victoria Knapp. I live at 32 Eagle Street with my husband Frank. We're neighbors to the Rasmussens. I first want to say thank you. This is my first time coming to a City Council meeting. I really appreciate the fact that we said the pledge and we prayed. So I really appreciate that. Thank you.

For several years, we, along with the other upstanding neighbors on our street, have had to deal with the decline of our neighborhood. I've grown up in this neighborhood and it used to be a joy to live there. The decline has been due largely from one house and that's 42 Eagle Street. Jamestown Police Department has been called numerous times for drug activity, domestic violence, loud music and disruptive behavior. The last two years, the house has not been up kept, resulting in numerous calls by the neighbors to the Housing Authority which has failed to produce any significant results. The previous owner failed to pay his taxes, resulting in it going on the tax foreclosure sale. The previous owner subsequently died in the house due to suspicious reasons. The family of the previous owner moved into the house after he died. These people have no legal rights to this house. It has been near condemnation for quite some time, but the Housing Authority has not followed through. The house was sold to another individual at the tax sale, yet the current people still live there in squalor. It has come to the attention of the neighbors that the people living there are trying to buy it. This I believe is a violation to the state of rules at the tax auction. The previous owner, nor anyone associated with the previous owner, can buy the property. This property has brought other property values in the neighborhood down due to the condition. In addition, the people living there have attracted other individuals to the neighborhood who failed to upkeep their living conditions, allow kids to stay out past curfew, ride bicycles in the street without helmets and blatantly disrupt the rest of the neighbors.

The drug activity is obvious at that house as well. Numerous cars come to the house at all hours of the day and night and quickly leave. These activities have resulted in my house and a neighbor's house to put security cameras up. We should not have to live like this because the city officials fail to rectify a situation that has been brought up numerous times; whether that be by phone calls to Jamestown Police Department, housing complaints, etc. Furthermore, 42 Eagle has been making little attempt to rectify the numerous code violations that they have been assessed with. The people living there are currently painting the house a hideous blue with red trim and are doing unpermitted structural repairs.

They have animals that they do not care about. They leave a dog outside all year long with little food and water and poor shelter. My husband has fed and given this dog water numerous times. Complaints have been filed to the animal control officer as well. As a result of the poor care for the animals, neighbors have had flea infestations in their yards. This has also affected Vega Street as well, the neighbors behind us.

August 29, 2016

As previously stated, as a result of 42 Eagle, other individuals who do not care about their living conditions or the quality of the neighborhood have moved in, thereby further declining the condition of the neighborhood. These houses consist of 10 Eagle, 56 and 57 Eagle as well. 42 Eagle is associated with someone in each of those houses. There are still a few people on Eagle that have been there for years and remember how nice the neighborhood was. We should not have to be forced to move out of our neighborhood, nor are we going to tolerate the decline any further. We are holding the city leaders accountable from here further. All these statements can be verified by looking at the numerous calls to and visits by the Jamestown Police Department, arrests that have been made and Housing Authority documentation, BPU and National Fuel records and the Animal Control Officer. Thank you very much ladies and gentlemen, for your time.

Council President Rabb: Thank you. Yes sir.

201608A00.04

Mr. Knapp: I came up to make sure my wife didn't fall over. To identify myself, Frank Knapp, 32 Eagle, husband of Victoria Knapp. I appreciate the hard work that JPD is doing. I know they can only do so much; I get that. I actually feel bad for them a lot of times because they're over there so many times on our street, over and over again. They're doing the best that they can. I appreciate it. Hats off to you. I'm ex-military, I've helped your guys out when they've come. Given them lots of leads, informed them that at 42 Eagle they do have sidearms in the house, none of them are permitted. Last I was aware of, they do have shotguns upstairs and some of these folks are known felons that are going in and out of the house. It's been on our cameras, drug activity; middle of the night. We all work. I get up really early in the morning, yet as soon at 8:30, 9:00 comes, they all come out. I thought there was a curfew – again – I know JPD can't be a babysitter, I understand that, but I don't really know what we can really do to be honest with you. It's sad when I have to worry about my wife and her safety when I'm gone, or my property because cars have been broken into. I get that – it's not just our neighborhood – I get that, but it just seems to be consolidating in there for some reason. I have a concealed permit to carry a sidearm. I have yet to actually enforce myself to carry one. My wife has one as well. I'm not ashamed to say that, but it's getting to the point, where to actually even have her let the dog out at night, I get concerned for her safety. I'm not – God forbid, if that ever happened – I hope to God never, that's not why you have that, I understand that. The point is, we don't feel safe. We look out – every time something happens at his house, I'm at the window – hey is everything okay and vice versa. That's great. Again, hats off to JPD, I get it, I just want to make it aware that the situation is not good and there is drug activity, you can look at these cameras, you can see them. I just don't understand how many times a police officer has to go continually over to the same place, over and over and over again until, I don't know what can happen. Hats off to you guys. Appreciate you listening and have a good evening. Thanks again for JPD.

August 29, 2016

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

Mr. Rasmussen: May I ask one question?

Council President Rabb: Could you go up to the microphone and restate your name, please?

201608A00.05

Mr. Rasmussen: Cory Rasmussen, 37 Eagle Street, Jamestown. I was just curious, Chief, if – do you still have your mobile trailer?

Chief Snellings: No, we do not.

Mr. Rasmussen: Okay I was just curious because I was going to say that I have a very large lawn and I would feel free for you to set that in there. And I'm not trying to be a smart Alek, I'm really not. But I saw the other night as he was stating on cameras, a car pull up, two gentlemen get out, the people come out of 42, take a box out of the back of the vehicle, they looked in it, the one guy brought it up to the house. The two that came out of the house started arguing with the other one, started pushing. This stuff is going on 3:00, 4:00, 2:00, 1:00 in the morning. They're running up and down the street between there and it's got to be like 50 80, but I'm not exactly sure of the actual address so there is a bunch of these stuff constantly going on, but it's 10 Eagle, 11 Eagle, 16 Eagle and then 42, 57, I would imagine right across the street would be 58/60 area. 56 is it? I just was curious if they still had the mobile place.

201608A00.06

Councilman Dolce: Just a quick question; these homes, are they rental properties and do we know the landlords and have they been notified and cited?

201608A00.07

Mr. Knapp: Frank Knapp, 32 Eagle again. The house next to your mom's house, what number is that, the blue house? 57 is an out of town house. 42 obviously is not. What's the other house number? 56, we're not really sure. They're kind of in and out, we don't really know. I did see an out of town vehicle from Massachusetts there, but I'm not really sure.

August 29, 2016

For sure, the 57 we know for a fact that that's an out-of-state residence. We've had issues at previous times with others. So maybe that will help.

Chief Snellings: May I respond?

Council President Rabb: Yes, please.

Mr. Olson: Harry, could you turn the mic around so that you speak into it?

201608A00.08

Chief Snellings: The Rasmussens did come to meet with me last week and I thank them for it. They gave me a complete list of all the problem areas. I can tell you Thursday afternoon, we were on Eagle and we arrested two people. I don't know if you saw it there, but there are some ongoing issues. There are some housing issues and we'll work with DOD and do all we can, but there are definitely some issues in that neighborhood.

201608A00.09

Mr. Rasmussen: 37 Eagle Street, Jamestown. I do know that from, not last Sunday, but the previous, you and the officers were up there every day until Thursday. Numerous times in a row. There were ambulances at 42 several times. Thursday I had to call for the children that are up the street because they kept setting my car alarm off and I said can you please ride a little further away from our vehicles. We park towards the end of our driveway to the street because people turn around in driveways and our cars have been hit several times. We've got two brand new vehicles about three weeks ago; I'm kind of concerned about that and just asked, hey kids, can you ride a little further away and the six and eight and ten year olds, I don't even have a mouth like that on me. They are utterly disrespectful and of course we're not going to sit there so I said go get your parents, but that's apparently where they learned it from. We ended up having to call and somebody came down through, but what ends up happening is, I'm sure they have scanners or something, you did ask about that, and they're gone by that time and as soon as the cop car goes by, it doesn't come back or can't come back for a while. They're right out there doing it again. Then they were sitting in front of – because they live right across, sitting in front of our house, antagonizing, trying to get us to come out and say stuff. The one little kid told his mom that I threatened to punch him in the face. I never even came off my deck. I didn't even go to the gate of my deck. I was right here out my door and that's the front of my deck. I never even went that far. I made the phone call from my cell phone there, sat down in the chair on my deck and waited for the police officers to come. Neighbors from down the street, they come up from 57 and said hey if my kids are doing this, here's my phone number, you call me and let me know. The other lady up the street came down and when they tried to get the kids scooted up the street, I can't even believe the language that they were talking to their parents with. And

August 29, 2016

screaming and this is 10:00 at night. There is that type of an issue with those things and we're one of the few that have been there.

I've lived on that street, next door is where I grew up, my mother's house my father's house. We bought the house next door and I've lived there all my life and it has really declined to where we've been looking at other houses and moving out of Jamestown itself which is unfortunate, but there's no gratification to some of this stuff. That's what's going to end up happening when you get a lot of outsiders that come and buy property here and I know there's nothing that can be done about it. But they live, like I said 57, he lives in West Virginia, he doesn't see what's going on there. It's a squalor-hole. It's absolutely horrendous and we mentioned to Mr. Lehman about it, he talked to the DOD. I talked to the Chief, he talked to the DOD. They have abandoned cars basically there and things like that. If you go and look at our lawns, they're kept clean. I think I'm one of the only houses on the street that flies an American Flag; things like that.

We're just trying to figure out what and how we can resolve this without. We're not looking to cause trouble with these people either because we had trouble before and I called the tip line a couple of times and I don't know if the person had a scanner too, but the next day my tires were flattened on my truck and the next time there was a bunch of activity going on, we called again, the tires on my truck were flattened again. He started to move away, I guess he was going to rehab, came down and actually apologized for doing it, but at that point there was nothing I could do about it; it was that far down the road, so it did happen and it was him. That was before we had to install security cameras, but I have six running now and I have two more that I will probably be putting up just to make sure everything is taken care of. If it needs to be seen by anybody, they're more than welcome to view the tapes because this is happening. Again, thank you for your time.

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

STANDING COMMITTEES

FINANCE COMMITTEE

201608A01

BY COUNCILWOMAN ECKLUND:

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 \$4,903,000.78 in accordance with the period ending August 25, 2016, copy of which is annexed hereto and a copy to be filed in the office of the City Clerk, and be it further

August 29, 2016

RESOLVED, That disbursements in the total amount of \$3,643,056.83 and payrolls in the total amount of \$1,259,943.95 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 – 0

201608A02

BY COUNCILWOMAN ECKLUND:

RESOLVED, That the Mayor be and he hereby is authorized to accept a grant from and execute all required documents in accordance with the 2015 Assistance to Firefighters Grant (AFG), in the amount of Twelve Thousand, Seven Hundred Twenty-Eight Dollars (\$12,728.00) with a ten percent local match of One Thousand, Two Hundred Seventy-Two Dollars (\$1,272.00) subject to the approval of the Corporation Counsel as to form.

Carried: 8 – 0

201608A03

BY COUNCILWOMAN ECKLUND:

RESOLVED, That the Mayor of the City of Jamestown be, and he hereby is, authorized to enter into an agreement with the State of New York Unified Court System, Eighth Judicial District for Court Cleaning and Minor Repairs (Contract No. C300343) of the Jamestown City Court facilities in the amount of Twenty-Eight Thousand, Ninety Eight Dollars (\$28,098.00) for the April 1, 2016 to March 31, 2017 time period subject to the approval of the Corporation Counsel as to form.

Carried: 8 – 0

August 29, 2016

201608A04

BY COUNCILWOMAN ECKLUND:

RESOLVED, That the Mayor of the City of Jamestown be, and he hereby is, authorized to enter into an agreement with the State of New York Unified Court System, Eighth Judicial District for Court Cleaning and Minor Repairs (Contract No. C300343) of the Jamestown City Court facilities in the amount of Twenty-Eight Thousand, Ninety Eight Dollars (\$28,098.00) for the April 1, 2016 to March 31, 2017 time period subject to the approval of the Corporation Counsel as to form.

Carried: 8 – 0

201608A05

BY COUNCILMAN DOLCE:

RESOLVED, That the following claim be and hereby is allowed:

No: 7 of 2016	Richard E. Vaughn	\$692.18
	9773 Green Bush Rd. PO Box 803	
	Ripley, New York 14775	

Carried: 8 – 0

201608A06

BY COUNCILMAN DOLCE:

RESOLVED, That Police Officers Scott Forster and Ron Powers be and they hereby are authorized to attend the Basic Observer/Sniper Course to be hosted by the SWAT Team of the Buffalo Division of the Federal Bureau of Investigation in Alden, New York, August 22-26, 2016 with expenses paid pursuant to Section 77-b of the General Municipal Laws of the State of New York.

Note: The training will be free of charge. All other expenditures will be paid pursuant to Section 77-b of the General Municipal Laws of the State of New York.

Carried: 8 – 0

August 29, 2016

201608A07

BY COUNCILMAN DOLCE:

RESOLUTION, accepting the City of Jamestown's Draft Local Waterfront Revitalization Program as complete and ready for public review and authorizing it's submission to the New York State Department of State.

Carried: 8 – 0

PUBLIC WORKS COMMITTEE

201608A08

BY COUNCILMAN SPITALE:

RESOLVED, that the Mayor be and he hereby is authorized to execute Change Order #1 to the CONCRETE WORK: STREET RECONSTRUCTION 2016, NEWLAND AVE. – PHASE 2 contract with S. TABONE CONSTRUCTION CO., INC., 3712 Straight Rd., Fredonia, NY 14063 to include changes as follows:

ADD Detectable warning surface for ADA accessible curb cuts @ \$25/SF – 40 SF
DEDUCT 4" Flatwork @ \$5.75/SF – 570 SF
6" Flatwork @ \$6.45/SF – 39 SF
8" Flatwork – High Early Strength @ \$7.50/SF – 73 SF
18" Curb & Gutter: Slip Form @ \$25.00/LF – 136 LF
Steps – 51.8 LF
Asphalt Shims – 10 SY
Asphalt Pavement: Min 5" depth – 20 SY
Core Drill: 4" diameter with 10' of 4" drain pipe @ \$125/EA – 17 EA
Additional Stone – 100 TON
Additional Excavation – 10 CY

for a total decrease of Fifteen Thousand, Sixty-Nine Dollars and Fifty-Five Cents (\$15,069.55).

Carried: 8 – 0

August 29, 2016

201608A09

BY COUNCILMAN SPITALE:

RESOLVED, that the Mayor be and he hereby is authorized to execute Change Order #1 to the ADA SIDEWALK RAMPS 2016 contract with Creative Construction, 941 Blockville Watts Flats Rd., Ashville, New York, 14710 to include changes as follows:

ADD Curb & Gutter @ \$10.00/LF – 8.6 LF
 Street Repair @ \$76.00/LF – 236 LF
 Additional Plates – 18 EA
 Drain Repair @ \$500.00/EA – 1 EA
DEDUCT 6” Sidewalk Ramps @ \$13.75/SF – 1,753 SF
 6” Flatwork @ \$8.00/SF – 36 SF
 4” Flatwork @ \$7.25/SF – 416 SF

for a total decrease of Seven Thousand, Seven Hundred Eighty-Four Dollars and Forty-Five Cents (\$7,784.45).

Carried: 8 – 0

201608A10

BY COUNCILMAN NELSON:

RESOLVED, that the Mayor be and he hereby is authorized to enter into an agreement with Jamestown Roofing., 119 Clifton Avenue, Jamestown NY 14701 for replacement of the roof on a pavilion at McCrea Point, as part of the Greater Jamestown Riverwalk Project, in an amount not to exceed Twenty- Nine Thousand, Five Hundred Dollars (\$29,500).

Carried: 8 – 0

August 29, 2016

201608A11

BY COUNCILMAN NELSON:

RESOLVED, that the Mayor be and he hereby is authorized to execute Change Order #1 to the CONCRETE WORK: FAIRMOUNT AVENUE 2016 Contract with R Patti Construction Co., Inc., P.O. Box 3081 Jamestown NY 14702-3081 to include changes as follows:

ADD 40 Tons of Additional Stone @ \$25/Ton – \$1,000.00

for a total increase of One Thousand Dollars (\$1,000.00).

Carried: 8 – 0

PUBLIC SAFETY COMMITTEE

201608A12

BY COUNCILWOMAN JONES:

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

Robert E. Reedy II

September 30, 2016 to September 29, 2018

Carried: 8 – 0

201608A13

BY COUNCILWOMAN CARRUBBA:

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

Pole No. 12865

Benson Street

Carried: 8 – 0

August 29, 2016

201608A14

BY COUNCILWOMAN JAMES:

WHEREAS, a Neighborhood Watch Committee has been organized in the Catlin Avenue/West Third Street/Harding Avenue area for the purpose of deterring crime in this area, and

WHEREAS, the Catlin Avenue/West Third Street/Harding Avenue Neighborhood Watch Program has the support and approval of the Jamestown Police Department, and

WHEREAS, the Jamestown Police Department has received funding for the purchase of Neighborhood Watch signs with the understanding that the City of Jamestown will erect the signs and assume the responsibility for the maintenance of said signs, now therefore be it

RESOLVED, that the Director of Public Works be, and he hereby is, authorized to erect and maintain said signs in appropriate places on the aforesaid street.

Councilwoman James: I just have a comment. I think that the number of the neighborhood watch committees are growing. People are taking charge of their neighborhoods. Especially after you hear what is happening here today. I just want to commend those residents in doing that and would encourage more people to do so.

Carried: 8 – 0

NEW BUSINESS

201608A99.00

Councilman Dolce: Just a quick comment to piggyback off of Councilwoman here. Her comments, Councilwoman Vickye James. I'm sorry that the Rasmussens and Knapps left early because I did see Vince DeJoy taking some notes back there. I assume that the Department of Development has been on Eagle Street and I'm sure this is an ongoing problem as the Chief mentioned. It's very frustrating for us, I can say as someone who's been around longer than anybody else in the room. It's probably the number one complaint and problem we get in the city and that's the condition of our neighborhoods. The deterioration of certain neighborhoods and the behavior and the activity that's going on. We see all the good things that are happening downtown and the grant coming in and certainly over the last decade or so, we've seen such an improvement in certain areas of our city, but the neighborhoods are certainly the number one problem that we have. And here we have two very good families who have reached their limit and it's systemic where they will eventually leave that neighborhood and they will leave not only that neighborhood, but possibly the City of Jamestown and then the problem becomes even worse and worse and worse. We've worked tirelessly over the years in the Housing Committee,

August 29, 2016

we formed the Housing Committee, we formed a Housing Subcommittee, we put together a landlord registration. We've done all these things and we've put our real focus on that and so forth, but it's probably the most frustrating thing in this job; is the number of calls, the number of complaints of drug activity and garbage, noise, you name it. And it just goes on and on and on and it reaches a point and it's very frustrating for us. I hope that you guys continue to do what we can. I don't know if we need to be more aggressive and if so, how? What can we do? What more can we possibly do to eradicate or at least lessen this type of behavior? Otherwise, we're going to continue to lose our neighborhoods. I just want – I wish they were here because I want them to know how we as council people feel. We feel the pain and we see it every day and we deal with it on a daily basis. Phone call after phone call, visit after visit, drive by after drive by. All of these neighborhoods. We share their concern and we've put a concerted effort into that. Thank you.

There being no further business, the meeting was adjourned.

James N. Olson

Director of Financial Services/City Clerk