

September 26, 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, September 26, 2016 at 7:30 p.m.

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

Members Absent: Vickye James

Others Present: James N. Olson, Director of Financial Services/City Clerk, Corporation Counsel Marilyn Fiore-Lehman, Director of Public Works Jeff Lehman, Police Captain Robert Samuelson, Deputy Fire Chief Chet Harvey, Director of Development Vince DeJoy, Executive Assistant to the Mayor Matt Hanley

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. Jim Read of the Bethel Baptist Church. Councilman Spitale moved to approve the minutes from the August 29, 2016 meeting.

OPPORTUNITIES FOR PERSONS TO ADDRESS THE COUNCIL

201609B00.01

Mr. McQuay: My name is Richard Edward McQuay senior. I live at 368 Buffalo Street, apartment 2. At the last Council meeting, I brought to your attention a mandate that the state issued illegally because it wasn't based upon any laws. It was based upon a bill. I'm here today to bring to your attention the consequences of that illegal mandate. On June 4th, I was arrested for trespassing at a 7-11 store because I wanted to buy tobacco. They figured I looked like I was under twenty-one so they wouldn't sell it. They kept telling me I needed a driver's license. I needed a New York State driver's license. What happened during the complication was I called the police up to have them send down a police officer. He showed up and I met him and I said I was the one that called you. He said, I'll talk to you later, I'm going in to talk to the woman. So he went inside to talk to her for five or ten minutes and then he came back out and he told me, if you don't leave the premises, I'll have to arrest you for trespassing. I said all I want is my tobacco. Well, the store has a right to refuse service to anyone if they so desire. That was an outright lie. A store cannot refuse to give anyone service, just for the whim of it. There are regulations and that which cover it, like if a guy is drunk and gets into a brawl, fight, argument, is loud, obnoxious, causing trouble with the customers and that or he has no shirt or no shoes they can refuse him service. But they cannot just plain refuse anybody service and that because

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that opens them up for a libel suit. He said if you don't leave I'm going to have to arrest you for trespassing. I said okay. I said arrest me for trespassing because I'm not leaving until I get my tobacco. Well, he put the handcuffs on me, put me in the back of the patrol car and took me down to the police station. I was treated cruelly and inhumane. Because in the condition I was in the back of that patrol car, by the time I got to the police station, I could not move. They had to get the paramedics over from the fire department, they looked at me, they called the ambulance, the ambulance looked at me, they took me to the WCA Hospital and I spent three hours down there because of the trauma my body suffered and that, being shoved into the back of the – I don't know what you would call it.

I have found out that even the dog wardens treat their dogs that they catch more humane than a prisoner is treated when he is arrested and put in the back of one of those patrol cars. The handcuffs are uncomfortable; they bite into your bone and into your skins and the place is so small, you can't even move around and one of the officers commented about, he must have been sitting on his hands. So it must be something that has gone on before and they know what the problem was. But I was paralyzed and I couldn't even move to get out of that patrol car.

So then I go back down to 7-11, I want my tobacco. They won't sell it to me. So I'm waiting outside because I'm not leaving that premise until I get my tobacco. Now I'd already been warned by the police department that if I go back there, they would arrest me again. But they didn't. In fact, I went and had the cab driver call the police department up and have them send down another police officer. According to the cab driver, he said they would not talk with me. So they did send him down. So I stayed there. So about 3:00 in the morning they must've called the police because the police showed up again. This was a different officer. He said if you don't leave, we're going to have to arrest you for trespassing. I said arrest me. I want my tobacco. Finally, I told him, I'll tell you what I'm going to do. I'm going out there on that sidewalk and I'm going to lay down and I'm going to go to sleep and I'm going to sleep on that sidewalk until I get my tobacco. And I went over and I laid down there. The police officer pulled the patrol car up next to me, looks out the window and tells me you have no rights. I think Obama must have taken my rights back and given them to all the illegal immigrants that he allowed to come into this country a while back.

Council President Rabb: Sir, can I ask you to tie it up? You're over your five-minute limit.

Mr. McQuay: So anyways, what I'm complaining about is the cruel and inhumane treatment that I received and the false arrest I was put under because of the illegal mandate.

Council President Rabb: The only thing I would like to point out is that I can't imagine, knowing our police officers, that they treat people worse than someone treats an animal. I just have to take issue with that. You're entitled to your opinion, but I think you're wrong. You'd have to go back to the microphone, please. I just wanted to correct that. I don't like people saying things about our officers.

Mr. McQuay: In answer to your response, I would challenge any one of you Councilmen to have the police officer put handcuffs on you, stick you in the back of one of those patrol cars and drive – not the fifteen blocks they had to drive to get me, but at least three blocks in that condition and you tell me it's not cruel and inhumane.

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Council President Rabb: I understand. I just take issue with your comment that our officers treat people worse than people treat their animals. I'm sure that's not the case.

201609B00.02

Mr. Smith: John N. Smith, 285 Hazeltine. I wrote this down; I'll try to take less than the five minutes. I would like to now bring up a 4th Ward, Persell School area, neighborhood issue. This involves the former Betty and Bud Carlson residence across State Street from the Saw and Mower Service. The Carlson family abandoned 209 State Street around Christmas, 2013. The house had fallen into disrepair for several years. Taxes and utilities were not paid and the house was put on the county auction block in June of 2016. A particular individual won this house at the auction. The new owner has been visiting the property since August 17th of 2016. The new owner started working on the house shortly before the Labor Day Festival. In general, we should be glad that someone is doing something.

However, there are very serious issues that concern the close-by neighbors. On June 13th, 2016, a few days before the auction, Vince DeJoy and Todd Peterson issued a housing code violation letter against this property. This letter mentioned several things that were unacceptable and visible from the outdoors. This letter was posted on the wall at the auction site for viewing by perspective bidders. This letter says that it will be sent to the new owner. The auction roster lists code violations for this property. The new owner was shown the letter after he bid on the property. A nearby neighbor lady told me that the new owner told her that the new owner has no intentions of repairing the listed outdoor code violations until next spring. The new owner has spent many hours working on the inside of the house. The new owner is doing this so that he can hurry a new tenant family into the house in the near future so that he can start collecting rent money as soon as possible.

Some of the outside building shortcomings include code number 215-18, the soffits and eaves are missing from the roof edges and there is also damaged siding and also, rather than repair a defective back annex room, the new owner completely tore it down. Doing this, has caused an indoor electrical socket to be facing outdoors toward possible wet weather and more than likely, that electrical socket is on. There is electricity in the house now. This has been like this for at least two or three weeks. Also for about a month, a giant pile has accumulated in front of the garage door. This pile consists of previous family belongings and a lot of demolition debris, rotten junk wood with nails in it.

I also want to mention how much money governments and foundations have spent in this neighborhood for housing and quality of life issues. In 2016, the Landbank and CHRIC spent \$57,000.00 to rehabilitate 255 Hazeltine Avenue just around the same block. In 2016, nearby Delaware Avenue residents were awarded Renaissance Corporation Neighborhood Cluster grant money for their home improvements. Not even a couple of hundred yards from 209 State Street is the Persell School garden. It would be a shame after foundations and governments who spent a lot of money to make many improvements in this neighborhood that a fly in the ointment, I don't want to say what certain professional, multi-property landlords are called with lower grade housing. I'm going to censor myself there, but it's like we gave that neighborhood a lot of plastic surgery and now it's getting skin cancer if I may make that analogy. We spent all this money on that neighborhood and then this one bad thing is coming along to spoil it. My main point is that I'm asking the city government to exercise the authority that it already has by enforcing the June

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13th code violation letter. I am also requesting that city government forbid any human being from living in that house until the necessary outdoor building repairs have been made and the vermin attracting giant junk pile has been removed.

I gave Vince DeJoy all the details and code numbers and who that person is. I'm not going to say that in public. Thank you.

201609B00.03

Mr. Read: I'm Jim Read, 93 Lovall Avenue. I wasn't planning to speak, but I want to thank you Mr. President for correcting the statement about our police treating people less than they care for dogs. I have done probably fifty ride alongs in the last three years, eight-hour shifts. I will attest to the fact that they treat people more humanely than they need to be treated at times. I challenged you as a committee, last year, last fall to do even a four-hour shift. I'm not sure if any of you have done that. You need to do it. They would appreciate knowing you care enough to sit in a car. And I will tell you, the backseat is not where you want to sit. The only reason you sit there is because you don't do what you're supposed to do; according to the law and the officers' direction. There's no reason to sit back there. I've never had them put the cuffs on me; I've offered to say why don't you do it, just let me see what it feels like. But you know what? I've got a brain. I don't need to know what it feels like; I've watched it. I appreciate you supporting the police. They do a great job. I see them often, in the car, but I also see them outside when they're having family meetings in difficult times. They have human hearts like us. They care about this community and they have great patience. I'm amazed sometimes at the patience they have with our community. So thank you for backing them up.

Council President Rabb: Thank you. I admit, I haven't done a ride along in a long time, but when I have done them, way back when I first started, my experience was positive and I observe our police officers all the time in the community and a lot of them have no idea who I am, so I know they're not just doing it to look right. I always watch them and they behave perfectly. I didn't appreciate his comment, but thank you for yours.

STANDING COMMITTEES

FINANCE COMMITTEE

201609B01

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 \$3,979,003.94 in accordance with the period ending September 23, 2016, copy of which is annexed hereto and a copy to be filed in the office of the City Clerk, and be it further

RESOLVED, That disbursements in the total amount of \$2,811,615.20 and payrolls in the total amount of \$1,167,388.74 as paid by the Comptroller and Director of Financial Services,

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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

201609B02

BY COUNCILWOMAN ECKLUND:

RESOLVED, That Police Chief/Director of Public Safety Harry Snellings be and he hereby is authorized to attend the 2016 New York State Intelligence Summit to be held in Geneva, New York September 27-28, 2016 with expenses paid pursuant to Section 77-b of the General Municipal Law of the State of New York.

Note: there will be no cost for lodging or registration fees.

Carried: 8 – 0

201609B03

BY COUNCILWOMAN ECKLUND:

RESOLVED, That Police Captain Todd Isaacson be and he hereby is authorized to attend the New York State Division of Criminal Justice Services Procedural Justice Symposium to be held in Saratoga Springs, New York November 29 – December 1, 2016 with expenses paid by the New York State Division of Criminal Justice Services.

Carried: 8 – 0

201609B04

BY COUNCILWOMAN ECKLUND:

RESOLVED, That Parks Tree Trimmer Brandon Fain be and he hereby is authorized to attend the ACRT Inc., Urban Forestry Training Line Clearance Arborist Certification Class, October 24-28, 2016 in Akron, Ohio 44310 with expenses paid pursuant to Section 77-b of the General Municipal Law.

Carried: 8 – 0

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201609B05

BY COUNCILWOMAN ECKLUND:

RESOLVED, That Firefighter Robert Smith be and he hereby is authorized to attend the NAEMSE Level One Course in Suffern, New York, October 14-16, 2016, with expenses paid pursuant to Section 77-b of the General Municipal Law.

Note: This training will allow him to qualify as a Certified Instructor Coordinator.

Carried: 8 – 0

201609B06

BY COUNCILWOMAN ECKLUND:

RESOLVED, That Deputy Fire Chief Chester Harvey be and he hereby is authorized to attend the New York State Career Fire Chief's Meeting in Corning, New York, September 21, 2016, with expenses paid pursuant to Section 77-b of the General Municipal Law.

Carried: 8 – 0

201609B07

BY COUNCILWOMAN ECKLUND:

RESOLVED that the Mayor be and he hereby is authorized to execute an agreement with Wireless CCTV LLC., 3520 West Miller Road, Suite 100, Garland, TX 75041 for Parks, Recreation and Conservation Surveillance Video Cameras in an amount not to exceed Forty-Two Thousand Dollars (\$42,000.00) subject to the approval of the Corporation Counsel as to form.

Councilman Dolce: Just a brief comment that the next several resolutions where we are buying equipment were not budgeted items, however they're being paid through, as you'll see down in resolutions 11 and 12 through the contingency fund, which for 2016 we've not used. So this will still leave us with a good chunk of our contingency as we go through the rest of the year. Thank you.

Carried: 8 – 0

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201609B08

BY COUNCILMAN DOLCE:

RESOLVED that the Mayor be and he hereby is authorized to execute an agreement with Collective Data, Inc., 230 2nd St. SE Ste. 414, Cedar Rapids, Iowa for The Department of Public Works Fleet Management Software in an amount not to exceed Twenty-Nine Thousand, Nine Hundred dollars (\$29,900.00) subject to the approval of the Corporation Counsel as to form.

Carried: 8 – 0

201609B09

BY COUNCILMAN DOLCE:

RESOLVED that the Mayor be and he hereby is authorized to execute an agreement with Dell Inc., One Dell Way, Mail Stop 8129, Round Rock, TX 78682 for a Server and Workstations for the Department of Public Works Fleet Management Software in an amount not to exceed Nine Thousand Five Hundred Dollars (\$9,500.00) subject to the approval of the Corporation Counsel as to form.

Carried: 8 – 0

201609B10

BY COUNCILMAN DOLCE:

RESOLVED that the Mayor be and he hereby is authorized to execute an agreement with CDW 200 N. Milwaukee Ave., Vernon Hills, IL 60061 for a Backup Unit for the Department of Public Works Fleet Management Software in an amount not to exceed Six Hundred Dollars (\$600.00) subject to the approval of the Corporation Counsel as to form.

Carried: 8 – 0

201609B11

BY COUNCILMAN DOLCE:

RESOLVED, That the City Comptroller be and he hereby is authorized to make the following amendment to the 2016 General Fund Budget for the purchase of Parks, Recreation and Conservation video cameras and related installation costs as follows:

| | | |
|-----------|----------------------------|-------------|
| INCREASE: | Appropriations | \$50,000.00 |
| | Parks Department Equipment | |
| | A.7110.0200 | |
| DECREASE: | Appropriations | \$50,000.00 |
| | Contingency | |
| | A.1990.0400 | |

Carried: 8 – 0

201609B12

BY COUNCILMAN DOLCE:

RESOLVED, That the City Comptroller be and he hereby is authorized to make the following amendment to the 2016 General Fund Budget for the purchase of Department of Public Works Fleet Management Software and related hardware costs as follows:

| | | |
|-----------|--------------------------|-------------|
| INCREASE: | Appropriations | \$40,000.00 |
| | Central Garage Equipment | |
| | A.1640.0200 | |
| DECREASE: | Appropriations | \$40,000.00 |
| | Contingency | |
| | A.1990.0400 | |

Carried: 8 – 0

201609B13

BY COUNCILMAN DOLCE:

WHEREAS, New York State and Empire State Development Corporation has made an application available for Round 4 Restore New York Communities Initiative Municipal Grant Program with the goal of revitalizing urban centers with eligible applicants being only New York State Cities, Towns, and Villages; and

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WHEREAS, the City of Jamestown has completed an “Intent to Apply for Restore New York Funding” for the “Former Key Bank Building Mixed Use Renovation” project located at 202-208 North Main Street, and was approved on July 20, 2016 by Empire State Development Corporation to proceed to an application; and

WHEREAS, the proposed project is consistent with the City of Jamestown’s adopted Urban Design Plan, from 2006, to repurpose unoccupied structures following Smart Growth principles; and

WHEREAS, the proposed project scope for rehabilitation of 202-208 North Main Street for a mixed use and repurposing of the building meets Restore New York financing guidelines; and

WHEREAS, the Former Key Bank Building Mixed Use Renovation project takes advantage of compact building design, creates a range of housing opportunities and choices, creates a walkable neighborhood, and fosters a distinctive, attractive community with a strong sense of place; and

WHEREAS, the above mentioned project develops new downtown residential opportunities and rehabilitates vacant and currently unusable office space that will attract, create, and sustain high technology employment opportunities; now therefore be it

RESOLVED, that the Mayor is hereby authorized to submit to the Empire State Development Corporation an application for grant funding for the Former Key Bank Building Mixed Use Renovation on behalf of the owner of said building; and be it further

RESOLVED, that the City Council hereby authorized the Mayor to execute all necessary documents with New York State and Empire State Development should the City of Jamestown be successful in securing funding through the Round 4 RESTORE NY Communities Initiative application process.

Carried: 8 – 0

There being no further business, the meeting was adjourned.

James N. Olson
Director of Financial Services/City Clerk