

September 25, 2017

City Council

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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 25, 2017 at 7:30 p.m.

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

Members Absent:

Others Present:       Mayor Sam Teresi, Todd M. Thomas, Director of Administrative Services/City Clerk, Corporation Counsel Marilyn Fiore-Lehman, Director of Public Works Jeff Lehman, Police Chief 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 The Rev. Jim Read of the Bethel Baptist Church.

Councilman Spitale moved to approve the minutes from the August 28, 2017 meeting.

### **MESSAGES FROM THE MAYOR**

201709B00.01

Mayor Teresi:       Thank you, Mr. President. During the course of the year, I know that you realize that there are several duties that I just love to be involved with in this job and tonight certainly is one of those cases. It's probably the most pleasurable part of my job during the course of the year is recognizing the most important part of our operation which is our members of our workforce that achieved service milestones. And it's something that the New York Conference of Mayors has been involved with doing with all of the municipalities; all 62 cities and 540 villages throughout the State of New York for many, many years. Tonight, is the night. And we have several of our long-time employees that have passed, on a five-year increment basis, service milestones and helped to prove the fact that every organization and every business has a market basket of important items that help to determine what type of organization it is. Sometimes it's location, sometimes it's equipment and other natural resources they control, but on every business and organization's checklist is high-quality staffing and the City of Jamestown has certainly been blessed in that regard over the years. Earlier this afternoon, we had the opportunity to recognize Electrical Engineer David Paterniti at the Board of Public Utilities for crossing the 30-year threshold and I have several members of the city workforce operating out of the general fund that are reaching milestones of 25, 30, 35 years or even more. And we have

September 25, 2017

three members of the class of 2017 so to speak that are here with us and I'd like to ask Mr. President, if you could join me down here in the well of the council chambers, and I would ask the three individuals; Mark Federko from the Fire Department, Jim Olson, our recently retired Director of Financial Services and City Clerk and Paul Volpe from the Fire Department to please join us up front.

The Mayor presented the NYCOM Certificates of Public Service to the following individuals:

Mark Federko, Jim Olson, Paul Volpe

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

201709B00.02

Mr. McQuay: My name is Richard Edward McQuay, Senior. I live at 368 Buffalo Street, Apartment 2 in the city of Jamestown. And I am a natural born American citizen. Next month, I'll have a birthday that's going to make me 79 years old. I'd like to tell you a story that happened back when I was 19 years old. The Chautauqua County Court Judge sentenced me to a 12 to 14-month sentence. I found out, with the corruption in our system, that I ended up serving 5 ½ years and because I was under youthful offender status, records were all sealed and there was nothing nobody could do about it. Later, I was told that my job would be to fight this corruption and mismanagement of the facilities. And that I have done. Over the years, I have seen police officers murdered, right here on the corner of Eighth and Washington and it was covered up by the Police Department.

Council President Rabb: Can I interrupt you? Allegations about the Police Department –

Mr. McQuay: This is not allegations, your honor. If you check the records and that, it would be verified.

Council President Rabb: I can't let you make allegations about the Police Department without proof, sir. So, please don't do that.

Mr. McQuay: Okay. I'll try to do it a different way. The people were supposed to be drag racing up Washington street and when you get to Eighth Street, there's a little kink in the road there and this one car that had two undercover police officers in it, didn't quite make that turn and wiped into a tree and killed them both. Now, the driver in the other car that was drag racing at over 90 miles an hour according to the records, the police records, worked for the Chautauqua County Public Defender's office. He was forced to resign his position because of his involvement in the accident. The city in turn, opened up a position that had been closed for over five years. It was the Associate Corporation Counsel and they gave him that job. Even after he was involved in an accident of drag racing at over 90 miles an hour, which is a felony and ending up in the death of two undercover police officers, for no other purpose then to try to retrieve the evidence that the undercover officers had received about corruption in the county against democrat members. They were supposed to gather information on the republicans, but they couldn't find any. They could only find it on the democrats. Those files were held in a nurse's

September 25, 2017

office here in Jamestown. And what started the drag race was; the undercover officers had their radios and they heard that the police officer had found an unlocked door and was going to investigate. And they knew that that was the nurse's office where they had these files hid. And that's what started the race up Washington Street. So, actually there was a crime of burglary being committed at the time of the accident. And according to what I understand about the law, any life taken during the committing of a crime is murder. Now, we don't want to go to allegations, so I'll give you the name of that officer. I mean, that public defender. His name was James P. Subjack. That is on the police records. There were two women that came up missing here in Jamestown. Two family members; wives. There was a police officer involved in on that. And the investigation here in Jamestown was getting so hot, that they went and took one of the ladies' vehicles and abandoned it in the northern part of Chautauqua County to deliberately extend the investigation away from Jamestown. He was never convicted, but I think that the family should be notified that if they want to put a tombstone on their mothers' graves, they should take them up to city, county sanitation dump. Because their bodies were thrown in a dumpster and buried at the garbage site.

Council President Rabb: Excuse me sir, but your time is up.

Mr. McQuay: That was a very short five minutes.

Council President Rabb: I was watching on my phone and Mr. Thomas was watching.

201709B00.03

Ms. Mason: My name is Raven Mason. I live at 45 Lovall Avenue in Jamestown. I want to first begin with an apology for not being more informed, more involved, more attentive to this council and its public service demands. What has led to this apology is that for the last two to three times I have attended council meetings, I have been greatly concerned by the lack of transparency, respect and discussions on any public matter. Everything is completely decided upon beforehand in a format of an I Love Lucy Ricky Ricardo song. And I don't mean to sound trite, but aye, aye, aye and almost mockingly given a unanimous vote of I thank you very much every time. I am also concerned about having received an informal letter from the City Council President, that clearly implied that if I had any public remarks, questions or concerns, I should not address them publicly, but respond to a private cell phone number, instead of in the public venue intended.

Council President Rabb: I have to interrupt you. That's not what I said. I said that if you had any concerns that you would like to discuss further, I would be happy to meet with you anytime. But, I didn't tell you not to bring them up in public. You are more than welcome to bring them up here.

Ms. Mason: That is not exactly what the letter says and I can bring the letter for your attention, but I'd like to finish my public time; as it's not a debate.

Council President Rabb: I wrote it so...

September 25, 2017

Mr. Gardner: Her five minutes, sir.

Ms. Mason: It's not a debate.

Council President Rabb: And you need to be quiet because I needed to address her because she said something that wasn't right.

Ms. Mason: The letter is the proof of what's right and wrong. And I'm just telling the truth. I have only heard of one other resident attend receive such a letter in the same tone. Is this how even other councilmembers are addressed? And expected to address matters of public concern via private conversations? I was also assured by Mr. Rabb at the August 21<sup>st</sup> meeting, that the annexation was just in its petition stage and no discussion of it would be made until the August 28<sup>th</sup> deliberation and vote meeting. However, at the August 28<sup>th</sup> meeting, even with questions proved for deliberation, nothing was discussed. In fact, if you recall, the series of questions that I did present that could have been discussed on some level during the business session before the vote were completely disregarded. Furthermore, nothing was ever addressed. Not any of the public concerns, particularly over the annexation came up for the business that evening. Except for an unequivocally unanimous vote. Without discussion. For every item presented on the agenda for that matter. It seems baffling and very disconcerting as to how much is actually being decided upon and being negotiated behind closed doors. Is this stated in the City Council Parliamentary Procedure that all matters of public concern be addressed only in private? Is this to be a meeting of deliberation or executive order?

It's not easy to criticize, I'm not looking to criticize. I do not believe that it is every member's position to be nontransparent and aloof in deliberations of public matters. It has, though, become quite clear, just in these two to three meetings, that there is a level of intimidation taking place that has silenced the integrity of this council. The forces behind this intimidation need to be removed. This has further led me to consider the role of our media. The role that they play in such candor matters. If I, as a constituent, am not seeing an openness and transparent process of council, then how are our journalists able to provide an objective story and perform their journalistic roles without compromise? At the resolution for the annexation vote is not even read or fully discussed at any level at parliamentary procedure, then everything reported comes only from what council members, and certain ones in particular, can dictate to the public. Does this not constitute as biased reporting? When things are omitted or not openly addressed at these meetings? Does this not impose opinions instead of objectivity and facts to report on by our community news media? For these reasons, it would be to the benefit of our city council and present newscasters to have outsourced media. With no affiliations to assist with the accountability of council and the objectivity of our local media's reporting. The expectation to see the reporting that would help to remove the invisible intimidate and imposing opinions to where the deliberations are clear, transparent and uncompromised. There should also be the expectation that our journalists are not being hindered in objectively performing their jobs and where truth, above all else, as the Post Journal claims, is sincerely being sought at these meetings. Ensuring that no form of intimidation or skirting matters of public importance occurs. We all need accountability and the support to stay or get back on the course. So, it is my hope that we can begin to see more of this. And so here tonight, we have common ground, news production for such purposes as to support public accountability and aid with news objectivity. If anyone wants a copy of my statement...

September 25, 2017

Council President Rabb: I can't speak for the media, but I can speak, I hope, for my colleagues. This is the formal voting session, but in addition, we have two work sessions each month where we always discuss first, things in committee; where the public is invited to attend, to listen and to comment. And that's typically where we have the one-on-one discussion and then at the full work session which, except when we go into executive session, which is relatively rare, the news media has been very good about attending. So, what you see tonight is the culmination of a month, sometimes two months, of discussion both at the committee level, chaired by various members of this council and then the work session. So, this is not the beginning of the discussion, this is the end of the discussion. But, you're more than welcome to come to those work sessions and the committee meetings as well. We have those upstairs on the fourth floor. Typically, the committees that we do have all meet simultaneously and then we come together and report. I would love to have you come to the meetings and talk with us. But, as far as intimidation, I don't know of anyone on this body, and I've been working with them for a long time, that has ever tried to intimidate either the media or the public into silence. As far as my note to you, often when people come to talk to us and we don't have time, I just make an offer. And the offer was, if there are some things of concern to you, like, sometimes out in the neighborhood, people bring up very particular concerns. I say, call me because I'd love to come down and have you show me what the problem is. And that's usually why I make the offer. So, if you took the offer the wrong way, I don't know what to tell you, but I would still be happy to come down and talk to you, but I would ask you to come to our work sessions too, please.

Ms. Mason: And I would very much accept coming to the work sessions, but this is also a place, a format, of discussion. Not debate, but discussion, that should be pretty open in candor. And in regard to your letter, and I'm not going to make a debate over it, but that was not, let's say, the tonality of it and if that's what you meant and I would have others who have received letters like that, or a letter like that. That is not how it was presented. It was more to; if you have questions please give me a call. Don't address it in public as well as -

Council President Rabb: The letter -

Ms. Mason: I'm not finished Mr. Rabb. As well as when I was asking questions, you did not address them during this public forum. And so, that was my point.

Council President Rabb: Okay. But the letter did not say don't come and talk to us in public. Ever. I would never say that to anybody.

Ms. Mason: I said that was the tonality and that was imbibed because of how you put your personal, private cell phone number on non-formal paper. It just was a little informal in its approach and -

Council President Rabb: Could you go back to the microphone, please.

Ms. Mason: If you were just addressing me as someone; thank you for coming, then you would have left it at that, but you added the addition to call me if you have questions and concerns.

September 25, 2017

Council President Rabb: Absolutely. Because while you're welcome to come to the public meetings -

Ms. Mason: This is a public forum. I have questions and concerns and this is the venue in which I want to bring them. Thank you.

Council President Rabb: Absolutely. And I'm leaving it up to you to decide if you want to call me or not. But, that's up to you.

Ms. Mason: I can address you here.

Council President Rabb: That's fine. But, please come to the work sessions.

201709B00.04

Mr. Gardner: Yes sir, Mr. Rabb. My name is Chris Gardner -

Council President Rabb: Can you back off the microphone a little bit?

Mr. Gardner: Well I want to make sure you hear me tonight.

Council President Rabb: We can hear you, but we have a hard time doing the transcript.

Mr. Gardner: What I'd first like to ask you is really old business. It goes back three months when I asked you whose name was first on the petition to annex the property at the Dow Street substation and make it part of the city of Jamestown. Annex being a kind of nebulous word for theft, if you ask most people around here.

Council President Rabb: That's not theft.

Mr. Gardner: Well, I've viewed the county tax map and there's no way that's a part of the city of Jamestown. Let's get back to what I began to ask you, sir. What I began to ask you was simply this; you were asked three months ago; whose idea was it for to do this. You said well I believe the BPU council passed it down to the city council. Then the second time I asked you, you said well I believe it was the management and the staff of the BPU. Of course, neither time did you elucidate that you are on the BPU board. So, I would think you would know that, sir. That - whose name was first on the petition if indeed, as part of the BPU board, you passed that down to the city council. Has your memory gotten any better? Who was the person who came up with this idea?

Council President Rabb: Mr. Gardner at this point, because it is now in litigation, I've been advised by counsel not to comment on the matter. In the best interest of the city.

Mr. Gardner: I see, I see. Okay. Well, that's a valid answer. If I was a politician, I don't think I would be answering that way.

September 25, 2017

Council President Rabb: That's the answer I'd give as the President of the City Council to defend myself.

Mr. Gardner: Well, and I'm sure with the election coming up, you'll hear again about it. But, anyhow, I'd like to ask you this question. How long have you been a city councilperson?

Council President Rabb: It'll be ten years on January 1.

Mr. Gardner: Ten years on January 1. So, that would have been since 2007.

Council President Rabb: Right. I got sworn in on January 1, 2008.

Mr. Gardner: Okay, great. Can you tell me this sir, how many times have you increased taxes for the city of Jamestown while a member of this council?

Council President Rabb: I voted for tax increases, but I don't increase the tax. That's a decision made by-

Mr. Gardner: How many times have you voted for tax increases?

Council President Rabb: I believe nine times.

Mr. Gardner: Nine times. I say this because I got a big surprise from my mortgage the other day. My city taxes are up \$45.00 per month, so they're starting to take out more taxes now every month for escrow. People around here who buy houses, which are a great deal in the city of Jamestown, you can get a lot of house for your money in this city. But, what they don't remind you of is that you're basically going to be paying the city rent – and the county - rent in the form of taxes to live in those houses. Now, I've watched my taxes go up roughly \$100.00 over a period of 18 years, which I guess compared to a lot of areas is not bad, but when it comes to actual property value – and I'm talking about real property value, not assessed property value; what somebody is willing to pay for a house in Jamestown, New York. It's not too good a deal. Now, if I was on the coast of Maine and my taxes went up \$3,000.00, I could understand that because that would reflect real property value. You plan any more tax increases this year at all?

Council President Rabb: The budget is coming out soon. I don't plan tax increases. We work together to try to make a budget that balances because we're required by law.

Mr. Gardner: Now does anybody in this room know who initiated this annexation of the Dow Street substation?

Mayor Teresi: Mr. President, could I please respond here and give some direction to Mr. Gardner once and for all on the matter? Mr. Gardner, I can't tell you either who, off the top of my head, was the sponsor of the resolution to recommend to the city council to look at the notion of beginning the annexation investigation and proceeding process. But, that's public information. You've got a couple of choices. You can contact the city clerk's office tomorrow who hold

September 25, 2017

copies of the minutes of the Board of Public Utilities meetings and can give you an indication as to whose name was on that resolution. You can go to the Board of Public Utilities and ask to speak to the secretary of the board that can provide that information. Or, if you have a computer or a smartphone, you can log on to either the city's website, [jamestownny.net](http://jamestownny.net) or the BPU's website, [jamestownbpu.com](http://jamestownbpu.com) where the copies of the minutes of those meetings are there. What I can tell you, without any hesitation whatsoever, is that Mr. Rabb was right as to what he's told you in the past because I was there. I'm a member of the BPU board, I'm the president of that board according to the city charter. It's a nine-member board, Mr. Gardner. Two members of city council serve on that, the city's Director of Public Works, by virtue of office, myself and five citizens on a rotating term basis.

Mr. Gardner: I'm aware of that your Honor.

Mayor Teresi: Mr. Gardner, can I please finish here, without interruption.

Mr. Gardner: Certainly.

Mayor Teresi: Mr. Rabb made it clear to you in several meetings that the recommendation was brought by staff, delivered by the General Manager of the Board of Public Utilities to the board members. They discussed it and passed a resolution asking the city council to begin the investigation process and ultimately the process to take the action that culminated on August 28<sup>th</sup> I believe at the voting session here. That's where it started. That's how it was brought to the board. I believe Mr. Leathers himself has confirmed that with you, because I confirmed it with Mr. Leathers after our board meeting this afternoon. It was initiated by staff, brought to us by the general manager with a staff recommendation and at that meeting in January, the BPU board unanimously voted to send a recommendation to the city council to look at and begin the process. I can't tell you, off the top of my head, which one of the nine board members name was on the resolution and sponsored it. But, one of them was. And it wasn't me and it wasn't Mr. Rabb because typically, the mayor and the city council president do not sponsor resolutions. They're typically sponsored by one of the citizen members of the Board of Public Utilities. But, I will find that information out and let you know or you can find out tonight by going online and looking up the minutes from that meeting or contact Mr. Thomas' office tomorrow or you can contact Mrs. Anderson who is the secretary of the board and the secretary of the general manager of the Board of Public Utilities tomorrow and somebody would be happy to provide you with a copy of that resolution that, right at the top of it, will state which one of the nine board members sponsored the resolution. End of story.

Mr. Gardner: That's very good. Thank you so much your Honor, for giving me a straight answer. I've just got one more question. How much money has been spent in legal fees and environmental studies and whatnot to annex what has always been part of the Town of Ellicott, Village of Falconer, the BPU substation on Dow Street. And I'll sit down and you can tell me my answer then.

Mayor Teresi: And I believe that's another piece of information that the Board of Public Utilities staff and management can provide for you. I'm not walking around, and I wouldn't believe that any of the members of the city council, are walking around with that number in their

September 25, 2017

head as to how much is actually been paid to legal counsel on behalf of the city of Jamestown by the electric division of the Board of Public Utilities. There has been none of your taxpayer money spent on this initiative for outside legal counsel. Any outside legal counsel has been retained and paid for out of the electric division of the Board of Public Utilities that this annexation process is being pursued on the behalf of.

Mr. Gardner: Thank you sir.

201709B00.05

Ms. Stoller: Good evening. I'm Melinda Stoller, 17 West Cowden Place. I have a few questions. I would like to know what attention has been given to the maintenance of the Jamestown Furniture Mart building which is located at 111 West Second Street. I did write a letter to the Reader's Forum, expressing some concerns for the community. It was in the paper last week, Sunday. The title of the article provided by the Post Journal was Development Must Focus on Community Foundations. My actual title was Jamestown at a Glance, but I'm totally okay with the change they made. But, in my article I had spoken about the connection which is located at the Furniture Mart building. And I know there are other businesses there also like Kelly Services and the credit union. And the location at this employer is ideal for many workers that have challenges with transportation. The Connection employs many people that are making a livable wage and they are in positions that are entry level and there's opportunities for advancement and the employees are acquiring valuable customer service skills and of course this skillset is transferrable to positions in the tourism industry. So, I'm wondering what your vision is for this building? Is it your plan to let it fall into disrepair, for it to eventually be torn down to become a parking lot to accommodate the comedy center? I would not be supportive of that; if that would be the plan, the long-term plan and vision. And also, I have another question regarding the grants that are coming to our area. Where is it documented in writing that the public would have access to so that the city is held accountable. And I have one more question for Mayor Teresi. How is it as you're on the board of BPU, is this not a conflict of interest? Thank you.

Council President Rabb: Do you want to address that Mr. Mayor?

Mayor Teresi: Well, Mr. President, just so you know, the official stated order of business for the city council up until tonight, the city council has followed very carefully, is that this is our time to listen to the comments of the general public. Not to get into a back and forth debate. And during my 33 years in service with the city of Jamestown in different capacities and Councilman Dolce, who has been here for going on a quarter of a century now as a Ward Councilmember and Councilman at Large, I think, can attest to this, that the actual procedure for doing our business is to listen to the members of the public, not to engage in debates with them, let them speak freely. The council does its course of business and then, at the end of the meeting, we will engage in providing in responses under new business and I'd be happy to do that for Ms. Stoller, for the comments and questions that she raised in proper sequence and order under the rules of the business of city council meetings under new business at the end of the meeting. I'd be happy to address her issues.

September 25, 2017

Council President Rabb: Okay. Thank you.

201709B00.06

Mr. Rensel: Jim Rensel, Mayor of Falconer, 101 West Main Street, Falconer. My prepared comments do not dovetail in with the other comments of the evening, but I'm going with them anyways. Earlier in this process, Steve Vanstrom was in here to talk about how the Falconer fire district wanted to partner with the Jamestown fire district to save money regarding different stations that could be responded from and Falconer could be one of those stations that could be responded from and in that meeting, was Steve Vanstrom who is a very well-respected member of Fire Advisory Board and has been for over thirty years. He's very good with money, managing money and budgeting money. At different times during that process, I understand, and this is coming from phone conversations I've had less than an hour ago; Lance Hedlund, who was the chief of the fire department at that time and Mayor Teresi and Mayor Kreig, who was the mayor prior to me in the Village of Falconer, had discussions about that. That was 2003, 2004 and I was not here that night when Mr. Vanstrom talked, but I since had his comments given to me. That was a situation that was going to save approximately \$2 million annually if that deal could be struck and that's in 2003, 2004. Once those comments were mentioned to the public, it surprised me to learn that no one reached out for Steve Vanstrom or Lance Hedlund to even be curious about that. If I'm sitting in my village meeting and someone says I can save \$2 million, I'm going to find out more about that. Or chase it down and find that it might be inaccurate. But, as of tonight, when I got off the phone with these two gentlemen, no has – no one – even the council people on the board or any other outlets thought it necessary or just out of curiosity to call and check to see if Mr. Vanstrom was accurate. It's not hard to find Steve Vanstrom and it's certainly not hard to find Lance Hedlund. The only person that asked about it was Mr. Dolce. Me. Dolce's comment, as I recall was, I don't remember that occurring. Well, Mr. Dolce –

Councilman Dolce: Excuse me, that is not true. And I'm going to tell you right now, I did my homework and I asked the fire department. I was the only one that was here. They said that was nothing but a bunch of crap. It was made up. It didn't exist. It didn't happen. So, don't stand up there and make those type of comments and put words in my mouth.

Mr. Rensel: May I finish my comments; Mr. President?

Council President Rabb: If you can continue without saying what Mr. Dolce said.

Councilman Dolce: I said nothing to that effect.

Mr. Rensel: It was in the paper. You said I don't recall that.

Councilman Dolce: That is not what I said.

Mr. Rensel: What did you say?

Councilman Dolce: I said that I would look into it. I've since talked to the deputy chief. I've actually reached out to several members that were still here. None of them recall any of that.

September 25, 2017

Especially the amount of money that was kicked around that evening. It was said that that was all fabricated.

Mr. Rensel: So... Steve Vanstrom, Lance Hedlund, Mayor Teresi and Mayor Kreig were never at a meeting talking about that?

Councilman Dolce: I don't know. I wasn't there. I wasn't at the meeting. That's what my point was.

Mr. Rensel: That's exactly my point. You weren't there.

Council President Rabb: That's not what Mr. Dolce said so could you just continue please?

Mr. Rensel: Yes. According to the paper reports, Mr. Dolce was asked about it and he said I don't recall that. Well, the reason you don't recall that is that you weren't at the table. That's probably why you don't recall it. My concern now is – and timing is everything I guess – at some point and time – I know you're under some sort of lip-lock type of thing. You can't talk about anything. Whether that's true or not, that's to be decided by each individual councilperson. But, at some point in time, I'd like to revisit those discussions without the anger and talk about mutual gains and negotiations that could possibly take place between the Falconer fire district and the Jamestown fire company. And again, all it takes is a phone call to Steve Vanstrom or Lance Hedlund to decide or ask if these talks took place or they didn't. I wasn't there, so I'm going by people that I have a lot of trust and respect for. And that was confirmed as late as an hour ago that those discussions were taking place and I would be a big advocate for those discussions to take place again when we're able to talk about things again and talk about mutual gains and negotiations. I'd be enthusiastic about doing that. Does anybody have any questions for me while I'm still standing here with my privilege to the floor? Thank you.

## **STANDING COMMITTEES**

### **FINANCE COMMITTEE**

201709B01

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 \$4,142,319.77 in accordance with the period ending September 22, 2017, 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 \$2,890,423.38 and payrolls in the total amount of \$1,251,896.39 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: 9 – 0

201709B02

BY COUNCILWOMAN ECKLUND:

WHEREAS, pursuant to Article 126 of New York State Education Law, the City of Jamestown is one of three municipal sponsors along with the County of Chautauqua and County of Cattaraugus that constitute a “community college region” which acts as the local sponsor of Jamestown Community College (JCC); and

WHEREAS, JCC currently owns property located at 7 Falconer Street in the City of Jamestown known as the “Sheldon House,” which was donated to JCC in 1977 and was utilized for programs and events of both JCC and the community; and

WHEREAS, pursuant to Resolution No. 201605A21 of the Jamestown City Council, and resolutions adopted May 17, 2016, and June 22, 2016, respectively, by the JCC Board of Trustees and the SUNY Board of Trustees, it was determined that the Sheldon House property is no longer useful or required for community college purposes by JCC; and

WHEREAS, the sale of the property provides the opportunity to reduce operating costs of the College; now therefore be it

RESOLVED, that pursuant to 8 NYCRR § 603.5(d), the Jamestown City Council authorizes JCC to effectuate the sale of the Sheldon House property and a portion of its contents to Edward Signorile, at a sales price of Two Hundred Forty Thousand Dollars (\$240,000.00), not including closing and other related costs.

Carried: 9 – 0

201709B03

BY COUNCILWOMAN ECKLUND:

RESOLVED, That Key Bank of New York, N.A., Jamestown Office, Jamestown, New York; Key Banc Capital Markets, Jamestown, New York, Evans Bank, N.A., Williamsville, NY and New York State Investment Firms be and hereby are designated as depositories of the City of Jamestown and that they be and hereby are requested, authorized and directed to honor checks, drafts, or other orders for payment of money drawn in the City’s name, including those payable to the individual order of any person or persons whose name or names appear thereon as a signer or signore thereof, when bearing or purporting to bear the facsimile signatures of the City Comptroller and Director of Administrative Services/City Clerk and the above mentioned banks shall be entitled to honor and charge this city for such checks, drafts or other orders, regardless of by whom or by what means the actual or purposed facsimile signatures or signature thereon may have been affixed thereto, if such signature or signatures resemble the facsimile specimen duly certified to or filed with the above mentioned banks by the Director of Administrative Services/City Clerk of the City of Jamestown.

Carried: 9 – 0

September 25, 2017

201709B04

BY COUNCILMAN DOLCE:

RESOLVED, That warrants be drawn and paid to the respective owners and paying agents the sum of Fifty-Two Thousand Nine Hundred Dollars (\$52,900.00) in accordance with the bond and note requirements as follows:

Public Improvement Bonds, Series A, issue of March 9, 2006, Fifty Thousand Dollars Principal (\$50,000.00) and Two Thousand Nine Hundred Dollars (\$2,900.00) for six months interest at 4.00% per annum on One hundred Forty-Five Thousand dollars (\$145,000).

Note: Refunding of 1999B (partial) issue. Interest savings \$1,225.00 for this payment.

Carried: 9 – 0

201709B05

BY COUNCILMAN DOLCE:

WHEREAS, the City of Jamestown submitted a 2016 TAP/Congestion Mitigation and Air Quality (CMAQ) grant application to the New York State Department of Transportation titled “Smart Tourism Transportation in Jamestown Phase I” on October 21, 2016, **PIN 576234 (“The Project”)** was approved with \$400,000 in funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80% Federal funds and 20% Non-Federal funds; and

WHEREAS, Gebbie Foundation has provided a grant commitment for up to \$100,000 in funding to match the required 20% Non-Federal funds local share for the project costs; and

WHEREAS, the City of Jamestown desires to advance The Project in its entirety by making a commitment of \$100,000 of the Non-Federal share of the costs of the Preliminary Engineering (Design I-VI) phase of the project and construction or a portion thereof of the project PIN 576234; and

WHEREAS, the City of Jamestown has chosen through a Request For Qualifications (RFQ) process, Bergmann Associates of 280 Broad Street, Suite 200, Rochester, New York 14604 with a Local Design Service Agreement (LDSA) for the (Design I-VI) phase of the project as an eligible cost from the approved grant; and now therefore be it

RESOLVED, that the City Council of Jamestown, New York hereby approves the above subject project, and also authorizes the City of Jamestown to pay in the first instance 100% of the Federal and Non-Federal shares of the cost of the Preliminary Engineering (Design I-VI) phase of the Project and construction phase or portions thereof, and in the event the amount required to pay the full Federal and Non-Federal shares of the cost of the project’s Preliminary Engineering (Design I-VI) phase exceeds the amount appropriated above, the City of Jamestown shall convene its City Council as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof; and be it

September 25, 2017

FURTHER RESOLVED, that the City Council of Jamestown, New York hereby accepts the Gebbie Foundation grant for up to \$100,000 for the 20% match requirement; and be it

FURTHER RESOLVED, that the Jamestown City Council authorizes the Mayor to execute all necessary agreements, certifications or reimbursement requests for Federal Aid Project Agreement on behalf of the City of Jamestown with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project; and be it

FURTHER RESOLVED, that a certified copy of this Resolution shall be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project.

Carried: 9 – 0

**PUBLIC WORKS COMMITTEE**

201709B06

BY COUNCILMAN SPITALE:

RESOLVED that the Mayor be and he hereby is authorized to execute an agreement with Jamestown Roofing, Inc., 119 Clifton Avenue, Jamestown, NY 14701, for Roof Replacement at Bergman Park Concession Building, in an amount not to exceed Thirty-Two Thousand Five Hundred Dollars (\$32,500.00), subject to approval of the Corporation Counsel as to form.

Carried: 9 – 0

201709B07

BY COUNCILMAN SHELDON:

RESOLVED, That the Mayor be and he hereby is authorized to execute an agreement with Chautauqua Mechanical II LLC, 2587 Third Avenue, Falconer, NY 14733 for the Tracy Plaza Phase 2 Renovations – Plumbing Construction, in an amount not to exceed One Hundred Thirty-Three Thousand, One Hundred Fourteen Dollars (\$133,114.00), subject to the approval of the Corporation Counsel as to form.

Carried: 9 – 0

201709B08

BY COUNCILMAN NELSON:

RESOLVED, that the Mayor be and he hereby is authorized to execute Change Order #1 to the Tracy Plaza Phase 2 Renovations – General Construction contract with Patterson-Stevens, Inc., 400 Sawyer Avenue, Tonawanda, NY 14150 per the request for contract extension dated August 28, 2017 based on the dates provided in Section 011100 – Summary of Work of the bid

September 25, 2017

documents to extend the original date of final completion of work from December 15, 2017 to June 30, 2018, subject to the approval of the Corporation Counsel as to form.

Carried: 9 – 0

**PUBLIC SAFETY COMMITTEE**

201709B09

BY COUNCILWOMAN JONES:

WHEREAS, the New York Local Government Records Law was signed into law by Governor Mario M. Cuomo as Chapter 737 of the laws of 1987 in order to pave the way for the efficient and economical management of local government records in New York State; and

WHEREAS, according to the New York Local Government Records Law the Chief Executive Officer of each local government unit must designate a Records Management Officer subject to the approval of the governing body; now therefore be it

RESOLVED, that the Director of Administrative Services/City Clerk be and he hereby is designated as Records Management Officer for the City of Jamestown to coordinate and oversee the Records Management Program for the City of Jamestown.

Carried: 9 – 0

201709B10

BY COUNCILWOMAN JAMES:

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

Section 1. § 193-6. Firearms, fireworks, fires, signs, public assembly and organized sports. of the Code of the City of Jamestown is hereby amended as follows.

No person shall throw any stone or other missile or discharge any firearm, firecracker, torpedo or firework or operate a remote controlled air devices such as, but not limited to, airplanes, helicopters, drones and the like or make a fire or post, paint, affix or display any sign, notice, placard or advertising device or have any intoxicating beverages or preach or pray aloud or make any oration or harangue or move in a military or civic parade, drill or procession or play any musical instrument in any of the public parks of the City, except by written authority of the Director of Parks, Recreation and Conservation. No person shall play any game of tennis, baseball, football or other sport upon any of the public parks of the City except by written authority of the Director of Parks, Recreation and Conservation or his duly authorized officer or agent.

Section 2. This ordinance amendment shall take effect immediately.

Carried: 9 – 0

BY COUNCILWOMAN CARRUBBA:

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

Section 1. Chapter 215-46 (C) Nuisances declared; abatement. of the Code of the City of Jamestown is hereby amended as follows:

C. If the topography of said land is such to make it impossible or impractical to use machinery in the clearing and cutting, the Code Enforcement Officer shall first grade the land in order that the cutting and removal may be done by machinery. The actual cost of cutting and removal, and grading if necessary, shall thereupon become and be a lien upon the property in accordance with the provisions of 215-76.

Section 2. Chapter 215-46 (D) Nuisances declared; abatement. of the Code of the City of Jamestown is hereby amended as follows.

D. If the Code Enforcement Officer determines that the property is in a state of disrepair in accordance with this chapter and as a result needs to be secured and/or prepared for demolition, the actual costs of securing and preparing the property for demolition, shall thereupon become and be a lien upon the property in accordance with the provisions of 215-76.

Section 3. Chapter 215-66 Expenses of the Code of the City of Jamestown is hereby amended as follows.

Expenses incurred pursuant to the preceding sections of this chapter shall be paid by the owner of the premises. The Director of Development shall file among his records an affidavit stating with fairness and accuracy the items of expense and the date of execution of actions authorized by this Part 2. The Director may institute a suit to recover such expenses or may cause such expenses to be charged against the property as a lien upon the real property in accordance with the provisions of 215-76.

Section 4. Chapter 215-74 Mandatory, administration fee of the Code of the City of Jamestown is hereby amended as follows.

All property owners and/or other responsible parties who have been duly served by the Department of Development with a legal notice to appear in Jamestown City Court for violations of this chapter shall be required to pay a mandatory administrative fee in the amount of \$100 for each and every appearance which is required in Jamestown City Court. Said fee shall not apply in instances where the City Court Judge makes a determination that there was no legal basis for the service of the court appearance notice and rules to dismiss said court case. Said mandatory administrative fee shall be separate and independent from any fines or penalties imposed in conjunction with § [215-68](#) of this chapter and shall be payable to the City of Jamestown Treasurer at the time of each court appearance. Any unpaid administrative fee shall be chargeable as a lien against the property in accordance with 215-76.

September 25, 2017

Section 5. Chapter 215-76 Liens of the Code of the City of Jamestown is hereby added as follows.

A. Any and all expenses incurred pursuant to this chapter, regardless of and not requiring specific reference to this Chapter, plus a fee of 20% for inspection and administrative overhead therewith, shall be certified by the Director of Development to the City Director of Administrative Services/City Clerk and shall thereupon become and be a lien upon the property and shall be added to and become and form a part of the taxes next to be assessed and levied upon such lot or land and shall bear interest at the same rate as taxes and shall be collected and enforced by the same officer in the same manner as taxes levied and assessed against such property.

B. The City Director of Administrative Services/City Clerk shall notify the owner by first class mail to the address on file with the taxing authority within 14 days of filing of the lien with the County Clerk.

C. Except with respect to a lien proposed for expenses incurred in demolition, nothing herein shall be construed as placing a lien upon the property which has priority over the lien of any recorded mortgage or lien on such property executed and recorded prior to the existence of a lien herein authorized.

Section 6. This ordinance amendment shall take effect immediately.

Carried: 9 – 0

**OLD BUSINESS**

201709B12

BY COUNCILWOMAN CARRUBBA:

LOCAL LAW NO. 3 OF 2017

A LOCAL LAW PROVIDING AN EXEMPTION BY THE CITY OF JAMESTOWN ON OWNER OCCUPIED RESIDENTIAL PROPERTY THAT WAS CREATED, MODERNIZED, REHABILITATED, EXPANDED OR IMPROVED

BE IT ENACTED, by the City Council of the City of Jamestown, New York as follows:

Section 1. Effective upon filing with the Secretary of State of the State of New York, in accordance with the terms of legislation passed in 2017 by the New York State Assembly, Senate and the Governor adding Section 485-t to the Real Property Tax Law, owner occupied residential real property that has been created, modernized, rehabilitated, expanded or improved in the City of Jamestown may be exempt from city taxation and special ad valorem levies as follows:

<u>Year of exemption</u>	<u>Percentage of Exemption</u>
1	100

September 25, 2017

2	100
3	100
4	80
5	80
6	60
7	60
8	40
9	40
10	20
11	20

Section 2. This exemption shall be governed by the terms of the New York State Real Property Tax Law §485-t.

Section 3. This local law shall take effect upon its filing with the Secretary of State of the State of New York.

Councilwoman Carrubba: This is hopefully to encourage individuals to invest in properties that will provide an exemption to allow them to put the money and the funds into rehabilitating the property or creating new property on vacant lots in an attempt to hopefully improve the tax base.

Council President Rabb: And for that we want to thank you for bringing that to our attention.

Carried: 9 – 0

201709B13

BY COUNCILMAN SPITALE:

RESOLVED that the Mayor be and he hereby is authorized to execute an agreement with Jamestown Roofing, Inc., 119 Clifton Avenue, Jamestown, NY 14701, for Roof Replacement at 154 Steele Street, in an amount not to exceed Twenty-Seven Thousand Nine Hundred Dollars (\$27,900.00), subject to approval of the Corporation Counsel as to form.

Carried: 9 – 0

**NEW BUSINESS**

201709B14

BY COUNCILMAN DOLCE:

WHEREAS Congress is giving serious consideration to eliminating the federal income tax deduction for state and local taxes;

September 25, 2017

WHEREAS this deduction, which has been in place for more than 100 years, is heavily utilized by residents of our community and our State;

WHEREAS New York residents already pay more into the federal treasury than the federal government returns to New York;

WHEREAS the state and local tax deduction is a fundamental principle of federalism and without it our residents would be faced with double taxation as they would be forced to pay federal income taxes on the taxes they pay to state and local governments;

WHEREAS this federal cost shift onto local governments would place extreme pressure on municipal budgets, including diminished revenue for essential local government investments, including public safety and public infrastructure; and

WHEREAS increased federal taxation and reduced municipal services will harm our local housing market, decrease home values and erode our local tax base,

NOW THEREFORE BE IT RESOLVED THAT the City of Jamestown expresses its strong opposition to any tax reform proposal that would eliminate the State and Local Tax (SALT) Deduction and urges Representative Tom Reed, Senator Charles Schumer and Senator Kirsten Gillibrand to join us in publicly opposing any such proposal, and be it

FURTHER RESOLVED, that the Director of Administrative Services/City Clerk is hereby authorized and directed to communicate the concerns of the Jamestown City Council by transmitting certified copies of this resolution to President Donald J. Trump, United States Senate Majority Leader Mitch McConnell, United States Senate Minority Leader Charles Schumer, United States House of Representatives Speaker Paul Ryan, United States House of Representatives Minority Leader Nancy Pelosi, United States Senator Kirsten Gillibrand, United States Representative Thomas Reed II, the U.S. Conference of Mayors, the National League of Cities and the New York Conference of Mayors.

Councilman Dolce: This is just a resolution to encourage them to not pass the elimination of the federal income tax deduction for state and local taxes.

Carried: 9 – 0

Council President Rabb: Thank you very much. Are there any announcements or comments?

Councilman Dolce: Yes, Mr. President. I just wanted to readdress the situation that came up earlier. My frustration comes from the fact that I did ask several questions. I asked former council people; I was the one that was here at the time. I don't recall a meeting because I was not invited. So, I reached out to several people that were there and none of them can recall anything substantial coming out of that meeting. I've got to believe that if there was a \$2 million savings, that we would have pursued that. I reached out to the former council presidents and former members of council that were here at the time and also Deputy Chief Harvey. No one can recall, although meetings may have taken place, that there was anything of substance that was discussed or that came out of it. Obviously, if that was the case, we certainly would be looking into it. I would be more than willing to sit down with anybody on any committee and look into that. But, after asking those questions. My frustration came from the fact that I felt like I was being accused of saying something that I didn't know what I was talking about. And I did my homework after you made that, so I just wanted to make that clear; that I did reach out to fellow

September 25, 2017

people. Whether that took place, what was discussed, how much money was put on the table, what proposals were put out there; I'm not sure, but I've got to believe that the Mayor of the City of Jamestown, the deputy chief at the time, other council people, the council presidents, the other people who were in the room would not have thrown \$2 million off the table, if it was something of substance. So again, I would certainly be more than willing to open that discussion up again anytime. And that offer stands to you. Again, I just wanted to clarify that. Thank you.

Mr. Rensel: Mr. President, may I respond?

Council President Rabb: Mr. Mayor, this isn't the time to do that. This is the time for the council members or the mayor to comment.

Mr. Rensel: That's what I thought.

Council President Rabb: Is there anyone else on the council that wants to comment, or Mr. Mayor did you have any comments that you wanted to add?

Mayor Teresi: I'll wait until your done and then I'll respond to everything.

Council President Rabb: Okay. Thank you. Anyone else? Councilwoman James?

Councilwoman James: I would just like to thank the efforts of Pastor Anna and Pastor Miguel this weekend for your efforts on keeping the focus on Puerto Rico because Puerto Rico is a part of America and you are American citizens and we just thank you for all the efforts that you put on that. And our prayers go out to Puerto Rico. Thank you for all your efforts.

Council President Rabb: Thank you Councilwoman James for recognizing their efforts; we appreciate it. Is there anyone else on the council who has a comment or announcement? If not, Mr. Mayor...

Mayor Teresi: Thank you Mr. President. I'd like to start off tonight, first of all, by acknowledging and thanking and complimenting the members of the City of Jamestown's Legislative Branch; the members of the city council. While many other examples of government, starting at the national level, various state levels, local levels around the country are gripped in total disarray and gridlock, things get done here in the city in a nonpartisan way, as we witnessed tonight, which was the end of a lengthy process as President Rabb indicated; may have started at the beginning of this month going through committee meetings, that are all open. The media can go to any committee meeting that they want and then two work sessions that are all open and in each of the meetings, an opportunity for the public to address either the committee or the full city council in the work session. The work session, as the president indicated before, is an opportunity for the committees to come forth and to present to the rest of the body the items that they discussed in their committee meetings. Many of these items were brought forth by staff for their consideration. Several of the items have been brought forth by their constituents as ideas for consideration. Then the process bakes the cake for the next couple of weeks at the full work sessions. And several of the items that were on the agenda tonight, were items that actually had their origin; not just a few weeks ago, but several months ago. In the case of Local Law Number

September 25, 2017

2, it goes back seven or eight months or more, where Councilmember Carrubba brought an idea that she found in her hometown of Batavia at a Housing Committee meeting, left it to the staff. Director of Development Vince DeJoy and his staff put together a version of it that they thought might work well here in Jamestown and for the past two months, it's been weaving its way through the committee process, the full city council process, ending up tonight with the adoption of Local Law Number 2, where there then will be a public hearing under the state's local law process by me, as the Chief Executive Officer of the city, before I make a decision to either sign that local law into effect or to veto it. The process is followed; the process works.

Unlike a lot of other places, and I know that maybe this isn't what some folks desire out there, they like people tweeting up storms, they like people fighting in public, they like people talking about issues that aren't even germane to the issues that are before us like public safety and infrastructure and the finances of the community. To those folks, I'm sorry. That's not the way that we do business here. The members of this council may be elected as Republicans and Democrats, but when they take their seat at the council dais, they are Jamestowners. Period. There are six Democrats and three Republicans on this council. And there's not a lot of examples in other places where one party has a clear advantage over the other in membership where actual, significant, committee chairmanships are given to members of the other party. Here in Jamestown, it happens. These people work long and hard as glorified volunteers. And I may be a paid professional here, and I earn my living at this job, but these people are providing community service and I am not about to sit here in this council chambers and watch them be diminished and disparaged for giving back to their communities. Do they draw a stipend? You bet. That stipend takes care of a picayune portion of their time. Look up the definition and the spelling of picayune. And there hasn't been an adjustment in the council salary since 1983. We should be thanking these people for stepping forward; wanting to serve their community. As opposed to diminishing their work and disparaging their character out in public. I'm not about that. I'm not going to play that game. Thank you for the work that you do. Thank you for the work that you did tonight and doing it in an honorable and efficient and a professional manner. And if people want theatrics, if people want blood and guts spilled on the pavement. If people want good headlines and juicy reports in the media, go someplace else while these people are tending to the public business and doing it in an efficient and effective fashion on behalf of all of us.

As it relates to the comments that Mayor Rensel made tonight; I am left scratching my head trying to understand where there was a \$2 million savings proposed to the city of Jamestown by the Falconer volunteer fire department at some unspecified date a decade or longer in the past. I'm struggling to remember that too, Councilman Dolce. The only thing that I can recall of a proposal during my tenure, and before my tenure here, because it comes up periodically like when the swallows return to San Capistrano every year. As a proposal that's been brought forth by Local 1772 of the Jamestown Professional Firefighters Association to allow them to staff up and ramp up personnel, paid personnel, equipment and facilities to run a 24/7 professional ambulance service within the operation of the fire department and to go head to head with the primary private sector provider of those services, Allstar; that is a division of taxable WCA Services Corporation with the wild claim that it would produce \$2 million a year of net revenues and savings to the taxpayers of the city of Jamestown. Every time that that idea has been brought forth, from the late 1980s up until a couple of years ago, it's been shown that not only does the idea not produce a \$2 million net savings to the city, it could produce upwards of \$1.5 to \$2 million of net losses for the city. Because of the wage, and the benefit and the

September 25, 2017

retirement structure and associated cost of bringing on upwards of 15 to 25 new paid professional firefighters in order to staff that service. And then go head to head with an incumbent private sector company and being able to wrestle all of their business away from them in order to have a monopoly on the business here. That's the only thing that rings any truth in my mind about something \$2 million involving the fire department.

And if there is a \$2 million proposal by the Falconer Volunteer Fire Department that could save the taxpayers of the city of Jamestown \$2 million a year, let's get together and talk about it; we're open to it. And as far as collaboration and coordination of fire service, there's already an agreement in place between the city and the village department and the city of Dunkirk and the village of Fredonia with their hybrid paid volunteer department and all of the fire departments and EMS companies in the county. It is called the mutual aid system. It has been in place, I believe since probably the late 40s and 50s and the way that the mutual aid system works, is that if Falconer needs us, or we need Falconer, or Lakewood or anybody else, as we needed each other around March 24<sup>th</sup> and 25<sup>th</sup> when there was a major fire threatening to destroy the entire central business district of Falconer and we had an evening with five arson fires started in the city of Jamestown; we called upon each other. And the mutual aid agreement says when you need help, we call and everybody drops what they're doing and is Johnny on the spot to the help of their neighbor. This system works. It works well. If there's ways to improve that, if there's ways to enhance that, or if there are other ideas for contractual services, the way that the city has been working with the county for the possibility of contracting for additional personnel for police services, we are open to that. Particularly, if you're promising us \$2 million a year of savings. And my guess is that if the \$2 million figure was promised somewhere back in the early 2000s, it must be several million dollars more on top of that now with the time value cost of money.

Let me move on to the Furniture Mart Building question. The comments that were raised tonight – I'll be happy to go back and read the transcript when it's done, or to listen to the tape of the meeting, but I wasn't real clear what the nature of the concern was. Was it a concern about the condition of the building with a desire to file a code enforcement complaint to send the building inspector and the fire inspector over there to find out what the conditions are of the building? To cite the property owners? To bring them to court? To vacate areas of the building that shouldn't be occupied? Or to correct code violations throughout the building? If that's what the nature of the comments were tonight, I will relay that on. But, I can tell you that that has happened before. And in each case, the building and the fire code inspectors have followed up and have worked with the owners of the building to correct the code violations and to make sure that areas of the building that cannot safely be occupied are not given certificates of occupancy and are not occupied and putting people and citizens and workers as well as first responders to risk in a building that shouldn't be occupied in certain areas. If there are new things above and beyond what has been brought forward in the past regarding the Furniture Mart Building, we have a very capable and professional staff that works for the 35,000 residents of this city and they will follow through in a timely fashion and if issues are not corrected, the next step in the legal process is to subpoena the property owner into city court and then it becomes a legal matter in the judicial system to have it settled one way or another. If that's the nature of the complaint tonight, please come forward and let us know.

If the nature of the concerns that were raised tonight was knowing what the city's thoughts and intentions are regarding the redevelopment of the building, I can answer that very quickly. We are all for it. And we have been working extremely hard privately with the current

September 25, 2017

owner of the building, with an interested party from Buffalo that is interested in buying and redeveloping that building and also with local foundations who have expressed interest in being part of a redevelopment solution for that building. We've not only been working privately with these folks on issues that cannot be discussed in public, but this has been a matter of public discussion as well. Earlier this year, on the record, in public meetings. With news media coverage, identifying the developer from Buffalo; Ellicott Development. Identifying the foundation; the Gebbie Foundation. And this was all done in public at public meetings and if you want to go and check the archives of the Post Journal; post-journal.com, you can find copies of the newspaper in which Dennis Phillips wrote articles about proposals for redevelopment projects downtown that were being considered by the Downtown Revitalization Local Planning Committee. All in public meetings in which \$9.7 million of downtown revitalization grant money to the city of Jamestown was being discussed; proposals to utilize that money and one of the proposals that was discussed during the open, public process repeatedly, over a several month period of time and chronicled in the pages of the Post Journal and local radio news coverage was upwards of a \$20 million proposal for the redevelopment of the Furniture Mart building in which the local planning committee recommended \$1.5 million of that \$9.7 million to be allocated towards a project. The project that they identified, with a joint presentation by the Gebbie Foundation as well as representatives of Ellicott Development in Buffalo, was for a multi-use redevelopment of the building, retaining The Connection as an anchor tenant and developing the upper floors of the building for a combination of market-rate housing and also boutique hotel. And also, specifically asking for a portion of the DRI funds to build a 450-car parking ramp, privately developed parking ramp, adjacent to the Furniture Mart building to provide not only parking to support the redevelopment of the building, but also public parking and overflow parking for when the National Comedy Center opens during the summer of 2018. This is all a matter of public record; discussed. The local planning committee recommended \$1.5 million of that to go towards this development. But, the state decided not to include DRI funding towards this initiative because they felt there was a series of other projects that were further along and closer to being advanced. The state has kept the door open for other sources of state funding when the project reaches a level of maturity and development to move forward. And in fact, the city continues; the development department continues to stay in close contact with the interested developer from Buffalo, the Gebbie Foundation and the state regarding the progress on the development of the concept for the building and in fact, within the past month, I have personally had conversations with the president of Ellicott Development and the president of The Connection from Minneapolis, Minnesota regarding their desire to hopefully work together to retain that and expand that operation of the building. And Director of Development Vince DeJoy and I just came back from a meeting today in Buffalo with high-ranking officials of the Empire State Development Corporation, giving them a progress report on the project to make sure that when it reaches a necessary level and desirable level of maturity, it is ready to move forward to bring forth another funding proposal through other sources from the state. That's what's happening with the furniture Mart building.

As far as the Board of Public Utilities goes, the fact that the mayor and two city council members serve as three of the nine voting members of that board, apparently is not considered to be a conflict of interest or even an appearance of impropriety according to the city's 1923 charter. One thing that I want folks to understand is in many, if not most, other municipalities, the day-to-day operations of public utilities, whether they be electric, water, sewer, garbage, district heating, are handled directly by the village board or the city council. Not many other

September 25, 2017

places have our model in which we actually include general citizens in the governance of the day-to-day operations of those utilities. And since the city council, through the charter of 1923, voluntarily decided to give up some of the day-to-day oversight and operation authorities to these utilities to a nine-member board, it probably isn't unreasonable that they also reserve the right to have two of their own members and the mayor serving on that board. Because the alternative could be, as they could be handling all of this, but they decided to put in place and very wisely so, in 1923, a private business model and to try to operate these utilities more like a business. And they're operated very effectively and well. Where they are not subsidized by your taxpayer dollars. Although, the city charter also stipulates in any circumstance in which one of those utilities runs a deficit, the city council has to appropriate tax dollars to pay off those deficits. But, they don't run deficits typically. Because there is a very effective management model in place with five appointed citizens, the city's DPW Director that is on that board to make sure that all of the infrastructure of the city is being coordinated under his command and two members of the city council and the mayor to serve on that board. And by the way, the city council retains the ultimate control in certain areas. That board does not have the authority to borrow money in the name of the city of Jamestown, does not have the authority to divest itself of any of those utilities assets and to get out of, say, the electric business. That can only happen by a local law passed by the city council and that item put on the agenda for a local referendum by all the voters of the city to say, we're going to get out of the electric business or we're going to get out of the water business. So, the city council retains that right; of divestiture and furthermore, under the charter, the city council retains the right to approve any intermunicipal agreement in which we are going to be expanding our public utility services to outside the city. That's the structure. That's where it came from. That's how it works and no, it stood the test of legal time that it is not a conflict of interest or even an appearance of impropriety.

As President Rabb has indicated, we would welcome anybody to come back to any of our meetings and speak to the public bodies. And by the way, our citizen boards and commissions are also open meetings under the state's Open Meetings Law. All of them. Starting off with a public comment period; whether it's the Park's Commission, the Planning Commission, the Board of Public Utilities, you name it. City council committee meetings, city council work sessions and the full voting session of the city council. We would welcome anybody to any of these sessions to address your concerns and offer your ideas and help. And that's warmly received. And my guess is, is that Mr. Rabb, President Rabb isn't the only member of this body or the only elected official in the city that has offered the courtesy of feel free to get in touch with me anytime. Here's my home number, you can call me and here's my cell phone number and you can call me and anything that you're not comfortable discussing at an open, public meeting, I'd be happy to discuss with you privately. And President Rabb has not been the only one to offer that. I know by a fact that his other eight colleagues have offered that to constituents directly. And they take calls at home. And they're stopped at restaurants; with their families. And they're stopped in church and at supermarkets. And they put a lot of time and effort into this. I thank you. We should all be thanking them and quite frankly, I'm out of breath and I've had enough of this. Thank you for listening.

There being no further business, the meeting was adjourned.

Todd M. Thomas  
Director of Administrative Services/ City Clerk

September 25, 2017