

February 23, 2015

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, February 23, 2015 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:     Alfonso Pagan

Others Present:     Mayor Sam Teresi, Director of Financial Services/City Clerk James N. Olson, Corporation Counsel Marilyn Fiore-Lehman, Director of Public Works Jeff Lehman, Deputy Fire Chief Chet Harvey, Police Chief/Director of Public Safety Harry Snellings, 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 The Rev. Roy Miller of the Better Place Ministries.

Councilman Dolce moved to approve the minutes from the January 26, 2015 meeting.

**OPPORTUNITIES FOR PERSONS TO ADDRESS THE COUNCIL**

201502A00.01

Jeannette Jones:     My name is Jeannette Jones, 66 Eleventh Street, Jamestown. We are here about the closing of Lafayette Street, but also to know what's going on in our city. Sometimes you take the northside for granted; they don't really care, we'll just do it, but we are people who are concerned and we are knowledgeable and we are strong. We would like to tell you guys that what is being planned is not good. The preliminary drawings talk about a turnaround or whatever, no. So if they pay you \$20,000.00 to close the street off, are you going to extend, fill in that swampy area so it doesn't sink, just as it did, the older basketball court? It sunk. Are you going to continue to take care of that if it starts to sink? We don't want that though. We really don't. I live up the street and if something is going on and there's a problem or whatever, the kids or somebody will come up and ask me to call for help, or do you have any bandaids. I'm a mother, my kids are through school, but I still carry the bandaids, peroxide in my car because you don't know what's going to happen. We just do not want that. We don't want you to continue to, because they're on the northside they don't care. We do care. We have homeowners

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there that do care. We have a lot of renters, but homeowners care what our places look like and if we were to fall back, you guys would put things on the back burner, no that's not it. So we have made a thing that we are going to come and we are going to see what's going on in the City. Be it northside, southside, eastside, westside, whatever. We are showing that we care and you can't just walk around us, over us, push it to the side. It's not going to happen. We are going to get involved. It may be -4 degrees outside, but you can see, we're here, we're bundled up, but we're here and we want to voice our opinion.

Council President Rabb: Thank you. We're glad that you're here.

201502A00.02

Vickye James: Vickye James, 809 Lafayette Street. There were a couple articles that were in the Post Journal recently. I was one of the women that was at Emmanuel Baptist Church and just wanted to let everyone know that we did know what was going on. We were not confused about closing the park. We were aware that they were trying to de-dedicate Lafayette Street. We are not silly, unknowledgeable women which the paper kind of said that we were. That we didn't know, and that we needed someone to come down and set us straight about the information that was given about the park and also about extending an invitation for us to come down here to City Hall because that was already the plan for the group to come down here at City Hall. It's been a month since we were here before and we really would like to have some other information. We understand that some of our pastors were invited to an informational meeting, but that's kind of a sixties tactic. We're in the here and the now and the City Council should reach out to your constituents because we would like to know, we were told that we would be presented with a presentation, but we've come to find out that pastors were invited to come back and tell us what to do. Yes they are our shepherds, we are their flock. They know our name by this voice, but we still are individuals and we still would like to have that information and I think that it would ease a lot of people's minds to know, because we're still in the dark, and sending out – I don't understand – some people received personal messages from people and I think we just collectively just get the understanding, invite the community out collectively and if you have the opportunity to give the information all at one time, then those that choose not to come, again as I said last month, that's on them. But I would just ask that the City Council, that you would present, or the Planning Commission, whoever's in charge of it, that you would come, give us a presentation so at least we're talking about this and all we really know is that they're looking at de-dedicating Lafayette Street and then people are coming up and telling us "you're going to love this plan" – I'm sorry our Councilperson told us that. Tonight, we have our County Legislator saying "oh you're going to love this plan". They're seeing the plan, we haven't seen the plan and so just give us an opportunity to see it because we're walking in the dark and the dark can't comprehend the light. Please, I just ask that you would give us an opportunity to see the plan presented and then we can really have an intelligent discussion. Thank you.

Council President Rabb: Just a point; myself, Councilman Spitale, Councilwoman Ecklund and Councilman Pagan were at that meeting with the pastors and it was my understanding, as well as the Mayor's, it was my understanding from that meeting that that was the first step. It wasn't meant to be, well we'll talk to the pastors and they'll talk to you. It was my understanding that we would then schedule meetings out in the community so that we could address you

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directly without you having to come here, although again, I'm always happy to see all of you. I was the one who sent out the personal notes, but if I already knew you, like you Vickye, I didn't send you a personal note. A lot of the other folks I didn't know that well and I did send a handwritten note to everybody who spoke last time and I put my cell phone number in there. So you can just call me directly, not that I'm putting the responsibility on you, but it's a two way street. If you've got questions just call me, but I think the Mayor reiterated this at the meeting, this is just the beginning of the process. I don't think we're that much further than we were in January. Thank you again.

201502A00.03

Diane Peterson: Diane Peterson 33 West 18<sup>th</sup> Street. I've lived there for over 40 years. I've lived in Jamestown a long, long time. I used Chadakoin Park way back before the pavilion was put in, way back before the concession stand. I didn't have to have a map drawn out for me, but I'm glad that I got one, to show what the proposal was because all I have to do is close my eyes and I know exactly what the proposal was. What they proposed to do. This park has been used from the conception of Juneteenth and even before then. We all have been there. We use this park, the pavilion, for Gospel Fest, for church activities, all kinds of things. Here is the pavilion. Here is the back lot of the car dealership. What they propose to do, Lafayette Street's in here, what they propose to do is bring that back lot right up to our pavilion. That, like I said last time, that is not acceptable. You're blocking it all in, our access street, Lafayette, it's going to be gone. When we have big doings down in the park, we use Lafayette Street to park. We use Eleventh Street from Washington down. We use all that for parking space. There again, if an emergency does come up, where are they going to go? The fire trucks, whatever, come down Eleventh Street when it is packed with parked cars and no place to go? This is not right. Everybody here has used this park for years and years and years. We need Lafayette Street to stay exactly like it is. Not some chain-link fence with some shrubbery right up to our pavilion. No, this is not right. Thank you.

201502A00.04

Fanelle Leeper: Good evening. Fanelle Leeper 65 West Tenth Street, Jamestown, New York. My second time speaking, I'm looking at Mr. DeJoy and Dave Warren Corporation. Exactly how much profit is it for that dealership to take Lafayette Street? That's my question. If they put 20 more cars there what difference is it going to make in their selling? How much more money are they going to make from that car lot? You're going to make money from the car lot automatically. You get the taxes from them automatically. So the amount of increase that they're going to put there, is it really worth it? A few dollars versus our feelings, what we feel belongs to us? As I was thinking again, as I said, as I was looking over the past, remembering, you took the bottom of Eleventh Street away. You took Tenth Street away. You took the bottom half of Jefferson Street. You took Lafayette Street, all of that was black community. Black residents all the way down to the dump and you took that away from us and then when they moved, where could they move to except on the other side of town. Then they began to move the blacks over to Barrett Street and then over there on Newland Street. You moved them out of the third ward. Not only did you move them out of the third ward, then you rezoned the third ward. This is not a third ward issue. This is a racial issue because the blacks – 95% of the blacks in Jamestown use

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that park. We don't use Camp Street, we don't use Bergman Park, we don't use any of those facilities because when we did try to use them, there was always some kind of trouble. There was always a police incident, they ride more and then of course, some blacks have issues with the police, policing them at a public park. So when we got our park, 95% of us spend our time there. But then you rezone it and where could they move? All over town. You rezone the third ward from the Sixth Street bridge across to Fairmount Avenue. If the third ward was to vote, they'd out vote us. 2000 residents in the third ward. How many of them are black? Six hundred. So it's not a third ward issue. It's a Chadakoin Park issue which we feel belongs to us. I take it personally. I feel that that park belongs to us. And why Dave Warren feels that he needs that dirt to increase his parking lot. Really? Is it really worth it Mr. Warren?

201502A00.05

Tina Ellsworth: Tina Ellsworth. I don't live in that ward, but I live in this community of Jamestown. I live at 347 East Fourth Street, Jamestown, New York. You need to realize this is a community you're messing with. This park – our town is infested and inundated with drug abuse. This community, that park, is a prevention measure for our children to play. This community uses it for festivities. Don't take this away. Don't take this away. Let the community have what the community needs. Leave this community alone. We already have enough problems in this town that need to be fixed. That street is necessary, that park can save lives so let it be. Thank you.

201502A00.06

Wanda Cooper: Good evening Council. Wanda Cooper, 153 South Butts, Jamestown, New York. There have been 3 articles since we last met. Councilman Pagan said, "I think they were surprised about meeting so quickly". There was no surprise. Three calls were made to him and summoned him down to the church that we wanted to meet with him. He said that "the community residents were unclear about the development project". No one was unclear. The drawing he provided was perfectly clear. Lafayette Street between Tenth and Eleventh Streets would no longer exist. There would be a chain-link fence with nice greenery in its place. No one said that Mr. Warren was going to take the park. That was never said by anyone here. Just access to that park was going to be taken. We all feel that parks have roads that go through it in multiple directions, but not Chadakoin. When he came to Emmanuel Baptist Church, that Saturday morning, the first words out of his mouth were "isn't this a wonderful project? It's so beautiful." Until he realized everyone was against it and then there was some really quick backpedaling. And then he was just "oh I understand, I understand". Well why don't you come down and find out? We came down, found out and it's still a no. He spoke passionately about helping the Hispanic community with drug issues and jobs and helping them out. But the quote in the Post Journal was "he had to educate the misinformed, rumor-based, northside community". Meeting with city leaders and religious leaders as sister Vickye had said, this is sixties mentality. To have the pastor's influence or control their congregations according to worldly desires and to think we are stupid enough to fall for it. May God have mercy on his soul. Regardless of what the rest of the Council were to vote, the people who use this park do not want this and that is the only vote that should matter. So please, Mr. Mayor, do not ever sign off on this as you said you would after much public discussion. Mr. Warren, why do you even want your business located in

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this area? Why would you even consider expansion when all that were present on the January 26<sup>th</sup> meeting and it was heard that you didn't want to speak for fear of being shunned? Really? We are civil people hear. Everyone is stating that this is the beginning stages, but the Planning Commission has approved this and for it to continue would be like stopping a running freight train. Yes the street has to be de-dedicated, but once that is done, the plan is in motion. Mr. Warren stated that if all the steps were completed and the community still did not want this, then he would back away. How can you back away from a de-dedication, from monies being paid and having it taken off the tax rolls - or put on the tax rolls, to say that okay, we're going to take it off the tax rolls, we're going to return your money and it's going to return to a street is ludicrous. We know better. How ironic that on one page, they're talking about expansion and right next to it is all the empty lots and buildings on the northside. Consider expanding to some of the empty lots. Thank you.

Council President Rabb: Thank you. Just to be clear, there has not been any vote on de-dedication. That is still an open street and even though the Planning Commission made a recommendation, we are nowhere near scheduling a vote on this issue. I just want to make that clear.

201502A00.07

Norma Coleman: My name is Norma Coleman at 409 Lakeview Avenue. I spoke last time and I said that I piggyback off of everyone else and later when I sat down, I agreed with everything that had been said and I still do, but most importantly I think that I should have voiced an opinion about the safety issues. More important than anything is that one way in and one way out. Maybe nothing major has happened yet, but you know yourselves just as soon as you decide to do something a different way something happens, so consider that. Think hard and long about having only one way in and one way out because if something major happens, the City will be in trouble.

201502A00.08

Regina Brackman: Regina Brackman, 11 Genesee Street, Jamestown, New York. I think last time when I was here I spoke on what we can do to enhance the park. Everyone pretty much knew what the plan was, whether it was a finalized plan or not. Everybody had that plan in their hand that night and they saw the drawings and the proposals for cutting off that access between Tenth and Eleventh Streets. I still believe that that's not the right move and I think that if the City looking to do anything, they need to look into how we can improve the usability of that park so that we can do more at that park instead of restricting what we can do at that park.

201502A00.09

Chloe Smith: I'm Chloe Smith and I live at 14 Chambers Street and although this issue is concerning the park, I want to reiterate what I said last time that this is significant because it represents a bigger issue in Jamestown and I hope that everyone is able to see that. I'm glad that everyone is getting involved because that's so important. But I've heard the whole issue with Dave Warren. It's described as an investment into that community and I just want to give

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you a picture of what an investment from Dave Warren would look like to me, this is just me. An investment in that community for a Dave Warren would be for him to take middle schoolers or high schoolers, bringing them down to his business and train them up in mechanics and working with the insurance and selling so that we have people from that neighborhood who stay in the community. The people who are successful from our community, guess what? They get up out of here. They're gone because they don't see black people successful in this community. It's just not happening. Whether it be business, there's no black businesses. We've got Gerald the barbershop, we've got Carl who's saying he's opening a restaurant and hopefully that takes place, but the people that are graduating from high school, they're going on to college, they're not coming back. They don't feel like this is a good investment. So a good investment for Dave Warren would be that, to me. We need to begin to think about and consider sewing into our community so that people do want to stay here – young people do want to stay here. If you want to invest, that's the picture that I see. Thank you.

201502A00.10

Calvinia Knight: Calvinia Knight, 837 North Main Street, Jamestown, New York. The sad part is, when I tried to get my son to come tonight, he said, "what's the use? Y'all are going to do what you want to do anyway". He was born in 1970, I was born in 1946. I've got more faith in what Martin Luther King did than he does. He was born and raised in Jamestown. He's white indoctrinated. He knows how y'all have trained him and how y'all operate. He hasn't really been outside of the boroughs of this community which is predominately white. The sad part is, when I look around, there are a lot of young black men that aren't here, they have no faith in this community. The only thing y'all have got for our boys is a jail cell. By hook or by crook. That's what you think we're worth. But I gave you a thing that said northside matters. It matters. When I cut up in Mr. Abbott's class, Mr. Spitale, you were with me. The name was Calvenia Leeper then. He's on City Council and I'm just fighting to hold on to what I paid for at 837 North Main Street. I don't have any little kids and my grandchildren live in Jacksonville, Florida and baby, they're the top of the line too. You hear me? Top of the line, they're in college, they're doing good. They weren't here. They weren't indoctrinated. They have not lost hope. You all sit there and y'all were elected and y'all don't think anything of our community. So that means you don't think anything of me as a person. But the same God that created you created me and the same Constitution that made you equal makes me equal and I have the same rights as Mr. Spitale and all of y'all that live somewhere else. And I'm asking y'all for something that I don't think none of y'all have and that's compassion. When that vote goes through, remember us. Remember our men. Remember you do not want me in Allen Park. I know because y'all arrested me at Allen Park even though I lived in Kalamazoo, Michigan. So let us stay down there and whatever we do down there. Y'all know you're going to have the police there. Leave us alone. Just have some compassion City Council. You just come in and you take over. I'm looking at the lady up there and I don't know her name, but she runs Independent Living. She came through during the time of my hay day and I was like that lady doesn't even know who she's messing with because the City of Jamestown ain't gonna help her, but God and I backed off because I felt like she came down there to do what she wanted to do in my community and have no regards and no respect for my community. My community. Because y'all are not allowing me to be a part of all of Jamestown's community. But the good thing about it and what I want you to understand, just like you like where you live, just like you chose where you live, when I went to get a house,

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the bank told me to choose anywhere. I chose 837 North Main because I like where I live. Ain't got, but by the grace of God, but 20 more years. Let us live in peace. Would some of y'all up there get a heart, please remember us down in the northside. We don't want that car dealership blocking off Lafayette. Are we right, maybe not but it's our right to be wrong. It's what we pay y'all taxes to. I pay y'all taxes. I know because I just got a bill for down there. So respect it. We respect you. All we're asking for is the same thing in return. To think that our young men, and there's a lot of them, are so disheartened. But if y'all keep it up, I'm going to do a door to door campaign and let you see what they look like. Now I'm going to go on your side of town because there's a lot of them over there now and bring them here and let you look at them. All we're saying is please leave Lafayette open. I'm not thinking about Dave Warren. I don't even know who he is, but I know he ain't doing nothing but doing some cars and those cars aren't benefitting us. He's not offering none of our young men any jobs. He ain't trying to see what's up above that street. All he cares about is his money. But we're not money, we're people. I'm going to tell you, I've got a whole lot of faith in God and I'm praying on y'all. I expect we're going to get 2 no votes. If we don't, I'm probably going to campaign in front of their houses. I'm just saying, remember that we are people too. Northside matters and you know what? If you're going to be an All American City, how are you going to be an All American City with the southside, the westside, the eastside, no northside. It ain't happening. If you want to be an All American City then you have to include us. I know y'all know North Main is the gateway into the City, but when y'all bring in folks that have some positions, you bring them up Prendergast because you don't want to bring them on North Main. If you're that ashamed of it then get it together. But it's our city just like it's yours and northside matters. Do y'all hear what I'm saying to you all? Northside matters. We live where we live, we like where we live, we pay taxes to y'all where we live so you all need to consider where we live.

## **STANDING COMMITTEES**

### **FINANCE COMMITTEE**

201502A01

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 \$7,563,894.04

in accordance with the period ending February 20, 2015, 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 \$6,191,164.08 and payrolls in the total amount of \$1,372,729.96 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.

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Carried: 8 ayes, 0 nays

201502A02

BY COUNCILWOMAN ECKLUND:

RESOLVED, That warrants be drawn and paid to the respective owners and paying agents the sum of Fifteen Thousand Five Hundred Thirty-Two Dollars and Fifty Cents (\$15,532.50) in accordance with the bond and note requirements as follows:

Public Improvement Bonds, issue of October 15, 1991, Fifteen Thousand Dollars (\$15,000.00) principal and Five Hundred Thirty-Two Dollars and Fifty cents (\$532.50) for six months interest at 7.10% per annum on Fifteen Thousand Dollars (\$15,000).

Carried: 8 ayes, 0 nays

201502A03

BY COUNCILMAN DOLCE:

RESOLVED, That warrants be drawn and paid to the respective owners and paying agents the sum of Four Thousand Nine Hundred Dollars (\$4,900.00) in accordance with the bond and note requirements as follows:

Public Improvement Bonds, Series A, issue of March 9, 2006, Four Thousand Nine Hundred Dollars (\$4,900.00) for six months interest at 4.00% per annum on Two Hundred Forty-Five Thousand Dollars (\$245,000).

Note: Refunding of 1999B (partial) issue. Interest savings \$1,975.00 for this payment.

Carried: 8 ayes, 0 nays

201502A04

BY COUNCILMAN DOLCE:

RESOLVED, That the Mayor and Police Chief/Director of Public Safety be, and they hereby are authorized to enter into a purchase agreement with Ed Shults, 300 Fluvanna Ave., Jamestown, New York 14701 for one (1) 2015 Chevrolet Tahoe in an amount not to exceed Thirty-One Thousand, Nine Hundred Ninety-Seven Dollars (\$31,997.00) paid for with Asset Forfeiture monies subject to the approval of the Corporation Counsel as to form.

Councilman Dolce: I'm glad to see that we have purchased this from Shults. They've been good to the community and it's good to have a local company. Thank you.



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Carried: 8 ayes, 0 nays

**PUBLIC SAFETY COMMITTEE**

201502A05

BY COUNCILWOMAN JONES:

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

Adrienne Swanson

February 24, 2015 to February 23, 2017

Carried: 8 ayes, 0 nays

**NEW BUSINESS**

Councilwoman Carrubba: I'd like to thank Calvenia Knight who came into our office this morning and informed us that there was a fire behind the building. In a matter of about 5 minutes we had to get out. I also want to publicly thank the police and the fire department. They were absolutely outstanding on a brutally cold day in combating a fire that destroyed the house behind our office building. They were able to contain it and keep it from taking our building. We have some damage to the back, but everyone was safe, everyone got out, but it was not a great day to have to be out there in the cold and they were all very, very nice. They were very caring. I'm very appreciative of everything that they did to contain that. We were sorry that the house behind was a total loss and an adjacent home was also taken out with the fire. You don't realize when they tell you that you have less than five minutes to get out, when we saw the smoke and saw the flames we had five minutes to get out of our building and it wasn't even on fire, but the buildings are very close and could have caught on fire very easily so I want to thank them all for everything that they did today. It was a tremendous job by everyone and as I say it kept everyone occupied from about 10:00 in the morning until about 3:15 and then there were some issues with the fire truck and so they really had a long day and I really appreciate seeing them in action. You really have a totally new understanding of how difficult it is in these kinds of elements to deal with these situations, but they were tremendous. Thank you for your efforts and sparing our building and saving part of the neighborhood.

Councilman Sheldon: I'd just like to make note that the next Chautauqua County Drug Forum will be held on Monday, March 16<sup>th</sup> at the Chautauqua Inn and Suites in Mayville starting at 9:00 in the morning. It's unfortunate that they're having that in Mayville as opposed to Jamestown because as we all know, the problems are very large here in our community for drugs, but if you could attend, I believe it will last until 3:30 in the afternoon, several City departments are going to be involved as well as County departments and the local agencies as well. It will be very worthwhile to attend if you can get up there. I'm going to make a point to try to get there at least for part of the day myself. It is free. It starts at 9:00 and ends at 3:30 in the afternoon. The agenda's not set, but it will be forthcoming. Anyone that wants to come can just

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show up or they can call the Department of Mental Health and make a reservation. I think they want to get an idea of how many people will be there.

Council President Rabb: I would like to thank Councilwoman Ecklund who, I believe, gave the talk at our induction ceremony for the Honor Society at Jamestown Community College as one of our graduates. Unfortunately I couldn't be there, but I asked people at the college and they thought you did a great job. So on behalf of the college, thank you very much.

Councilwoman Ecklund: You're very welcome.

There being no further business, the meeting was adjourned.

James N. Olson  
Director of Financial Services/City Clerk