

September 24, 2018

City Council

Proceedings by Authority

State of New York
City of Jamestown ss:
Chadakoin Park Pavilion

A meeting of the City Council of the City of Jamestown, New York was held on Monday, September 24, 2018 at 6:30 p.m.

Members Present: Council President Marie Carrubba, Council Members Brent Sheldon, Tony Dolce, Vickye James, Maria Jones, Tom Nelson, Kim Ecklund Andrew Liuzzo

Members Absent: Vanessa Weinert

Others Present: Mayor Sam Teresi, Acting City Clerk Debbie Patti, Police Chief/Director of Public Safety Harry Snellings, Deputy Fire Chief Chet Harvey, Director of Development Vince DeJoy

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

The Invocation was given by Rev. Carolyn Stow of Kidder Memorial Church.

Councilwoman Ecklund moved to approve the minutes of the August 27, 2018 voting session.

MESSAGES FROM THE MAYOR

201809A00.01

CITY OF JAMESTOWN)

Mayor's Office)

To the City Council of the City of Jamestown New York

Council Members:

In pursuance of the authority vested in me by the Charter of said City, I do hereby nominate:

James N. Olson
106 Arcade Avenue
Jamestown, New York 14701

to be re-appointed a member of the Board of Assessment Review in and for the City of Jamestown, New York.

The term for which said appointment is to be made will expire

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September 30, 2023.

Dated: September 11, 2018

Samuel Teresi
Mayor of the City of Jamestown, New York

201809A00.02

CITY OF JAMESTOWN)

Mayor's Office)

To the City Council of the City of Jamestown New York

Council Members:

In pursuance of the authority vested in me by the Charter of said City, I do hereby nominate:

G. Michael Berg
22 Elam Street
Jamestown, New York 14701

to be appointed a Constable in and for the City of Jamestown, New York.

The term for which said appointment is to be made will expire December 31, 2019.

Dated: September 24, 2018

Samuel Teresi
Mayor of the City of Jamestown, New York

Councilwoman Ecklund moved to suspend the rules and vote on the appointments. Seconded by Councilman Dolce.

Carried: 8 – 0

Councilwoman Ecklund moved to approve the appointments. Seconded by Councilman Dolce.

Councilman Liuzzo asked a question regarding the lack of appointment form for Jim Olson to the Board of Assessment Review.

Mrs. Patti answered that she was unaware that copies would need to be made.

Carried: 8 – 0

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OPPORTUNITIES FOR PERSONS TO ADDRESS THE COUNCIL

201809A00.03

Harold Whitford, President of the local landlord association extended his thanks to Mayor Teresi for appointing a constable.

201809A00.04

Jeanette Jones, 66 Eleventh Street, appeared to speak on the NAPA Auto Parts store located on Washington Street. She expressed concerns regarding deliveries at night. She stated that semis are parking on Eleventh Street and that their engines are left running while deliveries are being made. Ms. Jones noted that the trucks are blocking traffic on Eleventh Street. She also noted that the trees were not a sufficient buffer zone. Ms. Jones asked why the money outweighs the people in Jamestown and asked council if they would tolerate truck traffic in their neighborhood. She also expressed concerns regarding the employees parking on Eleventh Street rather than in the parking lot of the business, noting elderly residents that can't have visitors parking near their property due to employees parking on the street. She asked the council to ensure that the business does what they told the residents they were going to do.

201809A00.05

A homeowner on Eagle Street appeared to address her concerns regarding 42 Eagle Street and urged the council to move forward with the court ordered demolition of the property, citing a history of drug activity and the presence of a vagrant living in a tent on the property. She noted that the vagrant claims he purchased the property for \$1.00 while incarcerated with the previous owner. She also noted that this individual is well-known to city officials and law enforcement as she claims he has been incarcerated much of his adult life for convictions of DWI, theft and illegal drug activity. She noted the residents of Eagle Street have called the housing authority to remove said vagrant from the premises and inquired about the demolition status of the property. She cited information from the housing authority stating that there are tens of thousands of dollars in code violations and work necessary to bring the house into livable conditions. The homeowner notes the many Eagle Street residents that go to work every day, pay their bills and want to live in a peaceful and safe neighborhood. On behalf of the Eagle Street residents, she pled and urged the housing committee, the city council and the mayor to move forward with the demolition of 42 Eagle Street as soon as possible before any further degradation of the once beautiful and peaceful street occurs. She asked if council would tolerate these happenings in their own neighborhoods and if not "why do you expect the residents of Eagle Street to do so for many years"?

201809A00.06

Shawn Shilling, 101 Osborn Street, Jamestown. Mr. Shilling is a Lieutenant in the Jamestown Fire Department and union president of the Jamestown Professional Firefighter's Association, Local 167. The first item Lt. Shilling spoke on was regarding parking ticket issues when officers

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are called in to work. Lt. Shilling stated that he was called into work at 3:30am for a structure fire on Mckinley Avenue. He stated that he was at the scene until 1:00 pm in the afternoon. Lt. Shilling stated that “this is just not right. This is not the respect you should show to your policemen, your firemen that’s requested of us”. Lt. Shilling noted that his concern is not regarding parking during the work day, but that of officers that are called in to work with no way to get back to their vehicles. He implored council to look into the issue and stop ticketing firefighters. He suggested that a parking pass should be issued when firefighters are called in for emergencies that would be returned at the end of their shift. He noted that when the officers are called in, they are told to get there as quickly as they can.

Lt. Shilling’s second concern was regarding the construction on Tracy Plaza. He noted that the fire department is flooded and he requested that councilmembers visit the fire department to meet with firefighters and see the damage and working conditions.

STANDING COMMITTEES

FINANCE COMMITTEE

201809A01

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 \$4,432,274.93

in accordance with the period ending September 21, 2018 copy of which is annexed hereto and a copy to be filed in the office of the City Clerk, and be it further

RESOLVED, That disbursements in the total amount of \$3,112,207.64 and payrolls in the total amount of \$1,320,067.29 as paid by the Comptroller and Director of Financial Services, a copy of which is annexed hereto and a copy to be placed on file in the office of the City Clerk be and hereby are approved.

Carried: 8 – 0

201809A02

BY COUNCILWOMAN ECKLUND:

RESOLVED, That Deputy Fire Chief Chester Harvey be and he hereby is authorized to attend the New York State Career Fire Chiefs Meeting in Westchester, New York, September 19 – 20, 2018, with expenses paid pursuant to Section 77-b of the General Municipal Law.

Carried: 8 – 0

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201809A03

BY COUNCILWOMAN ECKLUND:

RESOLVED, that Officer Kyle Sorenson be, and hereby is, authorized to attend the New York State Police Underwater Recovery Team's Fall In-Service Training to be held in Alexandria Bay, NY, from October 1st through October 5th 2018, with expenses paid by the Jamestown Police Department pursuant to Section 77-b of the General Municipal Law of the State of New York.

Carried: 8 – 0

201809A04

BY COUNCILWOMAN ECKLUND:

WHEREAS, On January 22, 2002 the Jamestown City Council adopted resolution number 200201C03 that effective immediately and until further notice instituted a hiring freeze for the City of Jamestown, and

WHEREAS, On November 20, 2006 the Jamestown City Council adopted resolution number 200611B17 to extend the freeze to any change in employment from Part-Time to Full-Time status, and

WHEREAS, it has become apparent that within the Jamestown Fire Department an effort to effectively manage the city's day-to-day responsibilities in a cost efficient manner, it is in the City of Jamestown's best interest to lift the hiring freeze for a certain position, now therefore be it

RESOLVED, that effective immediately the Jamestown City Council hereby suspends the hiring freeze instituted by resolution number 200201C03 and resolution number 200611B17 and authorizes the filling of the following position due to the essential nature of the position.

- One (1) Firefighter in the Jamestown Police Department (One retirement funded in the 2018 General Fund Budget).

Carried: 8 – 0

201809A05

BY COUNCILWOMAN ECKLUND:

RESOLVED, That the Mayor of the City of Jamestown is authorized to enter into a School Tax collection agreement with the Board of Education of the Enlarged City School District of the City of Jamestown, New York for the 2018-2019 School Tax Collection in the amount of Sixty-Six Thousand, Five Hundred Seventy Dollars subject to the approval of the Corporation Counsel as to form.

Carried: 8 – 0

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201809A06

BY COUNCILMAN DOLCE:

WHEREAS, the Allen Park Women's Club is desirous of contributing Six Thousand, Three Hundred Thirty Dollars (\$6,330.00) for the refurbishment and upgrade of the kitchen in the Allen Park Pavilion, now therefore it be

RESOLVED that the City of Jamestown hereby accepts the donation, and be it further

RESOLVED, the Jamestown City Council hereby extends its appreciation and gratitude on behalf of the citizens of the City of Jamestown to the Allen Park Women's Club for their generous donation.

Carried: 8 – 0

201809A07

BY COUNCILMAN DOLCE:

RESOLVED, That warrants be drawn and paid to the respective owners and paying agents the sum of Fifty-One Thousand Nine Hundred Dollars (\$51,900.00) 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 One Thousand Nine Hundred Dollars (\$1,900.00) for six months interest at 4.00% per annum on Ninety-Five Thousand dollars (\$95,000).

Note: Refunding of 1999B (partial) issue. Interest savings \$850.00 for this payment.

Carried: 8 – 0

201809A08

BY COUNCILMAN DOLCE:

RESOLVED, that the Mayor be and he hereby is authorized to execute a grant agreement with Gebbie Foundation in the amount of Two Hundred Sixty-Three Thousand, Two Hundred Eighty-Eight Dollars and Eighty-Eight Cents (\$263,288.88) as part of the non-State funded portion of the City of Jamestown Public Piazza and Streetscape Project, subject to the approval of Corporation Counsel as to form.

Carried: 8 – 0

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201809A09

BY COUNCILMAN DOLCE:

WHEREAS, the City of Jamestown and the County of Chautauqua recently dredged the McCrea Point Boat Landing, and

WHEREAS, this dredging resulted in 548 tons of material being dredged, and

WHEREAS, this material was delivered to the Chautauqua County Landfill in Ellery, NY, as required by the New York State Department of Environmental Conservation and

WHEREAS, this material was deemed to be approved by the County as acceptable cover material for the Landfill, and

WHEREAS, said material generated a disposal invoice by the County to the City for 548 tons at \$26 per ton totaling \$14,243.36, and

WHEREAS, the City requested a waiver or a discount as said material had a value to the County Landfill as cover material, now therefore be it

RESOLVED, that the City Comptroller be and hereby is authorized to pay the County of Chautauqua fourteen thousand, two hundred forty-three dollars and thirty-six cents (\$14,243.36) as payment in full for the disposal of said dredging material.

Carried: 8 – 0

201809A10

BY COUNCILMAN DOLCE:

RESOLVED, that the City Comptroller be and hereby is authorized to make the following amendment to the 2018 General Fund Budget for the purpose of appropriating funds toward the payment to the County of Chautauqua for the disposal of landfill materials as follows:

INCREASE:	Appropriations	\$14,243
	Street Maintenance	
	A.5110.0400.0565	
DECREASE:	Appropriations	\$14,243
	Contingency	
	A.1990.0400	

Carried: 8 – 0

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PUBLIC WORKS COMMITTEE

201809A11

BY COUNCILMAN SHELDON:

RESOLVED, that the Director of Public Works is authorized to designate the east side of Pine Street, between Third and Fourth Streets, for use as a CARTS bus junction through October 19, 2018, weekdays from 6:00am until 5:00pm and to place such signs or other notices as required.

Councilman Dolce noted that the signs do not indicate the times. He remarked that the signs simply say no parking and on a Saturday night there were no vehicles parked there.

Carried: 8 – 0

201809A12

BY COUNCILMAN SHELDON:

RESOLVED, that the Mayor be and he hereby is authorized to execute Change Order # 2 to the Tracy Plaza Phase 2 Renovations – Plumbing Construction contract with Chautauqua Mechanical II LLC, 2587 Third Avenue, Falconer, NY 14733 to include changes as follows:

ADD Provide and install one (1) 1 ½” Watts pressure reducing valve on Tracy Plaza irrigation system.

for a total increase of One Thousand Forty-Three Dollars and Forty-Six Cents (\$1,043.46), subject to the approval of Corporation Counsel as to form.

Carried: 8 – 0

201809A13

BY COUNCILMAN SHELDON:

RESOLVED, That the Mayor be and he hereby is authorized to enter into an agreement with **Reg Lenna Center for the Arts, Inc.**, 116 East 3rd Street, Jamestown, NY 14701 for the installation of in-slab heating within the sidewalks at its location on 108 – 122 East Third Street.

The cost to power the heating will be the sole responsibility of the REG LENNA CENTER FOR THE ARTS, INC.

All maintenance to the heating system and all of the components therefore will be the sole responsibility of the REG LENNA CENTER FOR THE ARTS, INC.

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INCLUDING, should the heating system become damaged or are otherwise not working as they have been proposed, the REG LENNA CENTER FOR THE ARTS, INC. will be required to make all repairs or abandon the system in place.

INCLUDING, should the heating system become damaged due to other utility work being required (i.e. Natural gas, Water, or Sewer), the REG LENNA CENTER FOR THE ARTS, INC. will not hold the City responsible.

INCLUDING, REG LENNA CENTER FOR THE ARTS, INC. shall indemnify and hold harmless the City from any claim, demand, judgment, liability or expense arising out of or occasioned by the use and placement of the heating system

Subject to the approval of the Corporation Counsel as to form.

Carried: 8 – 0

201809A14

BY COUNCILMAN NELSON:

RESOLVED, That the Mayor be and he hereby is authorized to enter into an agreement with **Ellicott Apartments LLC**, 4 East Fairmount Avenue, Lakewood, NY 14750 for the installation of in-slab heating within the sidewalks at its location on 100 – 106 East Third Street.

The cost to power the heating will be the sole responsibility of the ELLICOTT APARTMENTS, LLC.

INCLUDING, all maintenance to the heating system and all of the components therefore will be the sole responsibility of the ELLICOTT APARTMENTS LLC.

INCLUDING, should the heating system become damaged or are otherwise not working as they have been proposed, the ELLICOTT APARTMENTS LLC will be required to make all repairs or abandon the system in place.

INCLUDING, should the heating system become damaged due to other utility work being required (i.e. Natural gas, Water, or Sewer), the ELLICOTT APARTMENTS LLC will not hold the City responsible.

INCLUDING, ELLICOTT APARTMENTS LLC shall indemnify and hold harmless the City from any claim, demand, judgment, liability or expense arising out of or occasioned by the use and placement of the heating system.

Subject to the approval of the Corporation Counsel as to form.

Carried: 8 – 0

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201809A15

BY COUNCILMAN NELSON:

RESOLVED, that the Mayor be and he hereby is authorized to enter into an agreement with Jamestown Roofing., 119 Clifton Ave Street, Jamestown NY 14701 for roof patching at Unloading Corporation Building, 520 West Second Street, Jamestown, NY, in accordance with its proposal of September 14, 2018, for a not to exceed cost of Twenty-Four Thousand, Nine Hundred Dollars (\$24,900), subject to approval of the Corporation Counsel as to form.

Carried: 8 – 0

201809A16

BY COUNCILMAN NELSON:

RESOLVED, that the Mayor be and he hereby is authorized to execute Change Order #4 to the Tracy Plaza Phase 2 Renovations and Master Plan Design contract with Greenman-Pedersen, Inc., 4950 Genesee St. Ste. 100, Buffalo, NY 14225 per the quotation submitted July 31, 2018 to modify the stairway and platform modifications, per the proposal submitted June 19, 2018, for a total increase of Two Thousand Eight Hundred Fifty Dollars (\$2,850.00), subject to the approval of the Corporation Counsel as to form.

Councilman Liuzzo expressed his concern regarding paying for a mistake that had been made in the plans as he had mentioned in the work session.

Carried: 7 – 1 nay (Liuzzo)

PUBLIC SAFETY COMMITTEE

COUNCILMEMBERS ON ADMINISTRATIVE BOARDS

Councilman Nelson mentioned that he attended the Planning Commission meeting regarding the site plan for the proposed Gateway Lofts and noted that there will be a public hearing held at a later date.

NEW BUSINESS

201809A17

BY COUNCILWOMAN ECKLUND:

RESOLVED, That the Mayor of the City of Jamestown be, and he hereby is, authorized to enter into an agreement with the State of New York Unified Court System, Eighth Judicial District for Court Cleaning and Minor Repairs (Contract No. C300343) of the Jamestown City Court facilities in the amount of Thirty-Four Thousand, Nine Hundred Eighty-Nine Dollars

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(\$34,989.00) for the April 1, 2018 to March 31, 2019 time period subject to the approval of the Corporation Counsel as to form.

Carried: 8 – 0

201809A18

BY COUNCILWOMAN ECKLUND:

RESOLVED, that the Mayor be and hereby is authorized to enter into a sixty month lease agreement with Lineage, 150 Lawrence Bell Dr. Suite 100, Williamsville, NY 14221 for postage meter rental and maintenance at a cost of \$228.57 per month subject to the approval of the Corporation Counsel as to form.

Carried: 8 – 0

201809A19

BY COUNCILMAN DOLCE:

WHEREAS, KaBoom! and the Ralph C. Wilson Jr Foundation have offered a donation of playground equipment, design services and labor for the installation of a new playground at Chadakoin Park for the benefit of City residents, now therefore it be

RESOLVED that the City of Jamestown hereby accepts the donation, and be it further

RESOLVED, the Jamestown City Council hereby extends its appreciation and gratitude on behalf of the citizens of the City of Jamestown to KaBoom! and the Ralph C. Wilson Jr Foundation for their generation donation.

Councilman Dolce commented that the council was there to see the park come to fruition.

Councilwoman James commented that the community was happy and excited and mentioned Rev. Chloe Smith and Regina Brackman, the Parks Commission; Julia Ciesla-Hanley, John Williams and the 15-member team. She extended her appreciation to the Jamestown Police Department and the Fire Department and Mayor Teresi for their support and participation in the project. Councilwoman James thanked the community for embracing the park and the project. She also mentioned the Ralph C. Wilson Foundation and KaBoom! and thanked them for their support and donations.

Carried: 8 – 0

Council President Carrubba thanked everyone for coming out in the inclement weather to attend the meeting and the young people for utilizing the park. She mentioned that there will be more to come, including a new bathroom. She extended her thanks to the Parks Department for pulling the project together as well as making the meeting in the park possible. She also thanked the audience for their attendance as she saw a lot of people who had not previously attended a council meeting.

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There being no further business, the meeting was adjourned.

Todd M. Thomas
Director of Administrative Services/City Clerk