

February 23, 2009

City Council

Proceedings by Authority

State of New York
City of Jamestown
City Council Chambers

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A regular meeting of the City Council of the City of Jamestown, New York was held on Monday, February 23, 2009 at 7:30 p.m.

Members Present: Council President Greg Rabb, Council Members, Steve Szwejbka, Anthony Dolce, Michael Taylor, Vince DeJoy, Maria Jones, Paul Whitford, Kim Ecklund and George Spitale

Others Present: Director of Finance/City Clerk James N. Olson, Director of Public Works Jeff Lehman, Deputy Fire Chief Lance Hedlund, Director of Public Safety/Police Chief Rex Rater, Matt Hanley and Julia Ciela-Hanley

Council President Rabb called the meeting to order.

Rev. Jim Read of the Bethel Baptist Church gave the invocation.

Councilman Taylor moved to approve the minutes from the December 22, 2008 meeting and Councilman Spitale seconded the motion.

OPPORTUNITIES FOR PERSONS TO ADDRESS THE COUNCIL

200902A00.01

Peter Morgante, 134 Euclid Avenue: I certainly hope that somehow or another City Council would get the head microphones so the public could hear you and the audience in the back could hear – everybody could hear what you're saying. I'm not hard of hearing, I'm not blind, I can see; but you don't speak up so people can hear what's going on. Now, one of the reasons I'm here is because we were notified in the paper that the issue was about the contract for the Kendall Club for the Police Department. I was wondering why are you ratifying it now when you've already passed the budget for the spending in this year's taxes, and the tax rate was set in November or December and we started paying our taxes? So this means that the Kendall Club's salaries, wages and benefits for the whole contract is already taken care of. And I can't understand why the Kendall Club is not incorporated with the fire union since public safety is the biggest concern of City Council and the people of Jamestown, New York and why we don't have the fire department and the police department contract so they are together. We've got them under one control now with Chief Rater – he's the Public Safety Director – instead of working on two contract unions all along. You spend all year long working on labor contracts for the workers and you never get anything done. Now the big issue is the public is worried about how are we going to pay our taxes next

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year. And I think the City...you people ought to be worried about it too. We're losing businesses all over. People are having a hard time in business in meeting their payrolls and their taxes and their expenses. The outcome looks bad. The biggest group of people is forecast for 2010 is going to be the unemployment insurance besides the Social Security checks. We are seeing less and less workers in our City of Jamestown. It's a fact. It's happening all over the City, all over the Country. And you people have not woken up. Somehow or another, you've got to put encouragement for people to stay in Jamestown and live in the houses that we live in now and not force us to move out because of the high taxes in the City. The taxes you've got to be worried about and you don't seem to be worried about it at all. I just don't understand it – nobody addresses it. You should be addressing public safety today so that for next year when you've got to vote on the budget the 2010, the people aren't going to be worried about it. Now, when you've got to make this amendment here, I think you should inform the people how much that new contract that you're going to okay with the Police Department is costing the taxpayers. Now we heard that something like the wage increases of the city employees which is 3% is something like \$450,000.00. But what does it cost for every time we give the police raises and the firemen raises – that's where you should be informing the people about what you're voting on. If you understand what I'm getting at...I won't continue anymore, but something has got to be done. The attitude of the people in Jamestown is they don't trust Council, they don't trust people because they never tell them the truth. Thank you.

200902A00.02

William Reynolds, III, Town of North Harmony: Thank you for letting me be here to speak. I'd like, as an honorary trustee and great, great, great grandson of the Governor who's home is in our City, fine City here – the Fenton Mansion – Gov. Reuben Fenton's, I want to speak to Resolution No. 2 and thank the Council for continuing to support the mansion and the society in the ways that you have in years past. So on behalf of my family and the Board of Trustees of the Fenton Historical Society, thank you again for continuing your support and keeping the gem on the hill, if you would, intact, because it's really a gem for this City and for all of you to enjoy – citizens alike. So, thank you very much from my family.

STANDING COMMITTEES

FINANCE COMMITTEE

20090201

BY COUNCILMAN DOLCE:

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 \$12,794,568.02 in accordance with the

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period ending February 23, 2009, 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 \$3,621,962.15, investments in the total amount of \$7,900,000.00 and payrolls in the total amount of \$1,272,605.87, 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 ayes, 0 nays

20090202

BY COUNCILMAN DOLCE:

RESOLVED, That the Mayor be and he hereby is authorized to enter into a contract with the Fenton Historical Society for Historical services to be rendered to the citizens of Jamestown for the year 2009 in the amount of Sixteen thousand dollars and no cents (\$16,000.00).

Carried: 9 ayes, 0 nays

20090203

BY COUNCILMAN DOLCE:

RESOLVED, That the Mayor be, and he hereby is, authorized to enter into a contract with the James Prendergast Library Association for library services to be rendered to the citizens of Jamestown for the year 2009 in the amount of three hundred seventy-two thousand dollars (\$372,000.00).

Councilwoman Ecklund: Just real quickly, I want to state in regards to Resolution 2 and 3, that these are budgetary items that were determined and set during the 2009 budget process.

Carried: 9 ayes, 0 nays

20090204

BY COUNCILMAN DeJOY:

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

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WHEREAS, it has become apparent that within the Department of Parks, Recreation and Conservation 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 authorizing the filling of the following position due to the essential nature of the position.

- One (1) Laborer (funded in the 2009 General Fund Budget).

Carried: 9 ayes, 0 nays

20090205

BY COUNCILMAN DeJOY:

WHEREAS, the economic stability and sustainability of the City of Jamestown is vital to its residents and businesses, and

WHEREAS, the City of Jamestown is desirous of a balanced economy comprised of a range of various business, industry, tourism and recreation, and

WHEREAS, the City of Jamestown is cognizant of the need for additional commercial growth to attain the goals of economic stability and sustainability, and

WHEREAS, the tax revenue generated by businesses throughout the City of Jamestown and the State of New York provide much needed relief to the individual taxpayers and their families, and

WHEREAS, the New York State Empire Zone Program has been a proven stimulus in the revitalization and growth of weakened local economies throughout the State, and

WHEREAS, the New York State Empire Zone Program has been successful in bringing hundreds of thousands of new jobs to its sponsoring cities and counties, and

WHEREAS, the City of Jamestown, as sponsoring city offers support for the local administration of the Greater Jamestown Empire Zone, and

WHEREAS, the New York State Empire Zone Program has shown great promise for the economy of Jamestown in the peaked interest of prospective businesses inquiring from outside of New York State, and

WHEREAS, local Zone Administrators, in areas as diverse as the City of Jamestown, have a more comprehensive and detailed understanding of the uniqueness of rural counties such as ours, these local Administrative Boards are in the best position to administer local Zones and should continue to do so, and

WHEREAS, the New York State Empire Zone Program has a planned sunset date of June 30, 2011, NOW, THEREFORE, BE IT

RESOLVED that the Jamestown City Council, in anticipation of growth, success, and the promise of new job creation within the Empire Zones, hereby requests the State of New York to continue its Empire Zone Stimulus Program beyond 2011 to June 30, 2017 as well as the Local Administrative Boards, and BE IT FURTHER

RESOLVED that the New York State Legislature, in an effort to maintain continuity and a positive momentum, is encouraged to enact legislation before the end of the 2009 Legislative session which will enable the continued existence of the Empire

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Zone program through June 30, 2017, and BE IT FURTHER

RESOLVED that the City of Jamestown hereby requests the State of New York to allow individual Empire Zones to determine the benefit-cost ratio best suited to the investment and job creation abilities of the existing and future businesses attracted to their communities based on their knowledge of the local economy, and BE IT FURTHER

RESOLVED that the City of Jamestown hereby enlists the support of each and every city in the State of New York in an effort to maintain the continued operation and stimuli that the New York State Empire Zone program offers, and BE IT FURTHER

RESOLVED that the City Clerk of the City of Jamestown is hereby directed to forward this resolution in support of continuing the Empire Zone to New York State Governor David A. Paterson, Senate Majority Leader Malcolm Smith, Senate Minority Leader Dean Skelos, Senator Catherine M. Young, Assemblyman William L. Parment, Assemblyman Joseph Giglio, Assembly Speaker Sheldon Silver, Assembly Majority Leader Ron Canistrari and Assembly Minority Leader James Tedisco.

Carried: 9 ayes, 0 nays

PUBLIC WORKS

20090206

BY COUNCILMAN SPITALE:

WHEREAS, the City of Jamestown desires to rebuild portions of W. Fifth Street from Fairmount Avenue to Washington Street, and

WHEREAS, a SEQRA Environmental Assessment Form has been reviewed and determined to have no potential adverse environmental impact; now therefore be it

RESOLVED, that the President of the City Council is hereby authorized to execute the Short Environmental Assessment Form and Negative Declaration Form.

Councilman Taylor: I just have a quick comment Mr. President that on behalf of the people, not just of the City of Jamestown, but also of the County as a whole, as well as all the visitors from out of state who for years have had problems, complaints, regarding the conditions of Fifth and Sixth Street alike; for those who are happy with the partial reconstruction that was done on Sixth Street a year ago, that these measures are great, they are necessary, and I thank the Department of Public Works, I thank the City for recognizing the conspicuous need to make these improvements to the street. I hope all goes well with the environmental study. I think these are an efficient use of the infrastructure stimulus funds that the City will be getting and this is totally an asset for everybody alike on those streets, and that's all. Thank you.

Carried: 9 ayes, 0 nays

20090207

BY COUNCILWOMAN ECKLUND:

WHEREAS, the City of Jamestown desires to rebuild portions of W. Sixth Street from Main Street to Washington Street and from Clinton Street to Fairmount Avenue, and

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WHEREAS, a SEQRA Environmental Assessment Form has been reviewed and determined to have no potential adverse environmental impact; now therefore be it

RESOLVED, that the President of the City Council is hereby authorized to execute the Short Environmental Assessment Form and Negative Declaration Form.

Carried: 9 ayes, 0 nays

20090208

BY COUNCILMAN WHITFORD:

WHEREAS, the City of Jamestown desires to make structural and cosmetic repairs on its Spring Street parking ramp facility located at the northwest corner of Spring and E. Third Streets, and

WHEREAS, the scope of work has been deemed to be maintenance in nature only; now therefore be it

RESOLVED, that the scope of work proposed to the Spring Street parking ramp facility is not subject to SEQRA requirements.

Carried: 9 ayes, 0 nays

PUBLIC SAFETY

20090209

BY COUNCILWOMAN JONES:

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

Section 1. Section 252-14. of the Code of the City of Jamestown is hereby amended to read as follows

§252-14. Removal of snow and ice; marking of obstructions.

- A. Definitions. The following definitions shall apply in the interpretation and enforcement of this section.

~~PARKWAY~~ TERRACE – The land lying between the street curb and the outer limits of the sidewalk running parallel with such street curb. The words “outer limits of the sidewalk” mean the outer or street side of any sidewalk. In localities where the sidewalk is not clearly visible because of a covering of cement or blacktop or otherwise the outer limits of the sidewalk shall be determined to be a projection of the outer line of the sidewalk measured along the entire length of the street.

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Section 2. Section 252-14 of the Code of the City of Jamestown is hereby amended to read as follows

- D. No person, partnership, corporation, joint-stock company or syndicate shall deposit or cause to be deposited any snow, gravel or stone or other debris or material on or against a fire hydrant, or mailbox, or any sidewalk, highway, street, roadway or loading and unloading areas of a public transportation system, except that snow and ice may be pushed, brushed, blown, plowed, swept, or shoveled to any terrace area within the City where necessary to effect the removal of snow from sidewalks and driveways; provided however, that such snow does not encroach onto the roadway or highway between the outside faces of the curb nor obstruct any sidewalk, nor impede, impair or obstruct any pedestrian traffic; and provided, further, that such snow does not impede obstruct any established terraced sidewalks. Every person, partnership, corporation, joint-stock company or syndicate shall wherever practical, store snow, ice, gravel or other debris or material removed from the property on the terrace area which abuts the property from which it was removed.

Section 3. This ordinance amendment shall be effective immediately.

Carried: 9 ayes, 0 nays

20090210

BY COUNCILMAN TAYLOR:

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

Section 1. Section 300-214 of the Code of the City of Jamestown is hereby deleted in its entirety:

Section 2. Section 300-214 of the Code of the City of Jamestown is hereby added:

§ 300-0214 Keeping of dogs in residential districts.

- A. The keeping and maintenance of large number of dogs on residential premises is detrimental, or liable to be detrimental, to the good order, health and general welfare of the inhabitants of the City of Jamestown.
- B. The keeping of large number of dogs on residential property has an adverse impact on the value of neighboring properties.

- C. The maximum allowable number of dogs on a premises that is classified as a one or two family residence or any commercial property shall be three for the entire premises.
- D. For premises that are classified as multiple dwellings, those properties containing three or more units, the maximum allowable number of dogs on the premises shall be one per household.
- E. No owner of a dog shall keep or harbor a dog in an unclean or unsanitary manner.
- F. No owner of a dog shall fail to provide adequate food, water or space for such dog. "Adequate" shall mean sufficient for the age and size of each dog on the premises per veterinary standards.
- G. It shall be the duty of every dog owner or person having possession, custody or control of a dog to remove any feces left by said dog on any property within the corporate boundaries of the City of Jamestown and deposit the feces in a sealed container lawfully used for the disposal of refuse.
- H. Individuals who currently:
 - 1) own more than three dogs in a one or two family residence or commercial property; or
 - 2) own more than one dog per household in a multiple dwelling (three or more units);

shall have one hundred eighty (180) days to comply with the provisions of this ordinance. If after 180 days, individuals continue to be in violation of this ordinance they may be subject to the penalties outlined in Section 1-1 of the Jamestown City Code.

Section 3. This ordinance amendment shall be effective March 1, 2009.

Councilman Whitford: I would like to comment, not only on Resolution No. 6 on changing the ordinance but also No. 12, and I would like to especially thank the DOD, Corporation Counsel and the Housing Committee for working on these and putting them forward and also the entire Council for their input. It's imperative that we have these taken care of for public safety and health reasons in the City. Thank you.

Councilman Taylor: I wanted to say to the Ordinance regarding the dogs in residential districts, and it's a good example of normal citizens, the ordinary citizens taking initiative. It was a citizen who has many concerns within the 3rd Ward who got ahold of me initially who also talked in length with Councilman Szwejbka regarding various problems with dog complaints, numbers of dogs in households, unhumanitary conditions for these animals and the Housing Committee certainly took action and

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hopefully this will make it a lot easier for animal control. It will be better for the animals. I just want to thank those citizens who took their concern to bring it to the Council; Mr. Szwejbka for really leading that as well as the Chairman, Councilman Whitford for helping us getting it through. Thank you.

Carried: 9 ayes, 0 nays

20090211

BY COUNCILMAN SZWEJBKA:

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

Section 1. Section 290.24.A. of the Code of the City of Jamestown is hereby amended to remove thereto:

Cherry Street between West Second Street and West Fourth Street

Section 3. This ordinance amendment shall be effective immediately upon adoption.

Carried: 9 ayes, 0 nays

20090212

BY COUNCILMAN SZWEJBKA:

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

Section 1. Section 215-41 of the Code of the City of Jamestown is hereby amended as follows:

§215-41 Conformance Required.

A. Residential, nonresidential, commercial and industrial buildings and accessory structures whether occupied or vacant, shall be maintained in conformity with the provision of this chapter.

B. In order to prevent the excessive growth of weeds and grass, it is hereby declared that all lots whether residential, nonresidential, commercial or industrial shall be maintained in conformity with the standards set out in this chapter so as to assure that the subdivision and community at large will not be adversely affected.

Section 2. Section 215-42.E of the Code of the City of Jamestown is hereby deleted in its entirety:

Section 3. Section 215-42.E of the Code of the City of Jamestown is hereby added as follows:

§215-42 General Requirements.

E. It shall be unlawful for any person having control or ownership or any type of tenancy in any lot in a residential, nonresidential, commercial or industrial, in the City of Jamestown, County of Chautauqua and State of New York, to permit or maintain on such land, or portion thereof, any growth of weeds, grass or other rank vegetation to a greater height than six (6) inches on the average or any accumulation of dead weeds, grass or brush.

It shall be the duty of every owner, occupant, tenant or person in control of such aforesaid land or any portion thereof in the City of Jamestown, to cut or remove or cause to be cut or removed from said property all weeds, grass or other rank, poisonous or noxious vegetation as often as may be necessary to comply with the provisions of §215-42.

Section 4. Section 215-46 of the Code of the City of Jamestown is hereby amended as follows:

§215-46 Nuisance declared; abatement.

- A. All buildings, dwellings, dwelling units, studio units, multiple dwellings, rooming units, rooming houses, yard, courts, open areas and vacant lots which are in violation of this chapter are hereby declared to be a nuisance and shall be abated by being corrected, made sanitary, repaired, vacated or demolished in accordance with the orders of the Director of Development by exercise of the powers and duties herein contained.
- B. Ten days after the mailing of a notice by certified mail to the last known address of the property owner, the Code Enforcement Officer shall make an inspection, and if such inspection discloses that the owner or occupant has not complied with said notice, the Inspector shall cause weeds, grass and other vegetation on such lands or portions thereof to be cut and removed.
- 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, plus a fee of 20% for inspection and administrative overhead therewith, shall be certified by the Code Enforcement Officer to the City Director of Financial Services and shall thereupon become and be a lien upon the property on which said weeds, grass and other vegetation were located 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.

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Section 5. Section 215-68.C of the Code of the City of Jamestown is hereby deleted in its entirety:

Section 6. Section 215-68.C of the Code of the City of Jamestown is hereby added as follows:

- C. Any person who shall neglect to cut and remove weeds, grass or other vegetation as directed in this chapter, or who shall fail, neglect or refuse to comply with the provisions of any notices herein provided, or who shall resist or obstruct the Code Enforcement Officer or his employees in the cutting and removing of weeds, grass and other vegetation, or grading, if necessary, shall, upon conviction thereof, be subject to a fine of not less than \$25 nor more than \$100, and each day on which said violation continues shall constitute a separate offense.

Section 7. Section 215-68 D of the Code of the City of Jamestown is hereby added as follows:

- D. Notwithstanding the foregoing provisions of this section, violations of provisions of this chapter, except as outlined above, shall be punishable as follows: upon a determination of guilt by the City Court Judge of a violation of any provision of this chapter, the fine shall not be less than \$125 for a first offense, not be less than \$250 for a second offense within a three-hundred-sixty-five-day period following the initial determination of violation and not be less than \$500 for a third or subsequent offense within a three-hundred-sixty-five-day period following the initial determination of violation, which fine shall not be suspended, waived or otherwise reduced below these amounts.

Section 8. This ordinance amendment shall be effective March 1, 2009

Carried: 9 ayes, 0 nays

NEW BUSINESS:

20090213

BY COUNCILMAN DeJOY:

WHEREAS, the Legislature of the State of New York has declared it the public policy of the state to promote harmonious and cooperative personnel relations between public employers and public employees, and

WHEREAS, negotiations between the City of Jamestown and Kendall Club PBA have resulted in a tentative agreement resolving both issues related to the Collective Bargaining Agreement as well as labor-management issues, and

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WHEREAS, the City of Jamestown and Kendall Club PBA desire the wages, hours and working conditions of employment for the period January 1, 2008 and December 31, 2009, as contained in a tentative agreement, be established and set out in a written agreement between the parties, and

WHEREAS, the parties desire to enter into a letter of agreement settling the various labor-management issues, now therefore be it

RESOLVED, That the Mayor is hereby authorized to execute an agreement for the period commencing January 1, 2008 and ending December 31, 2009 between the City of Jamestown and Kendall Club PBA on the terms and conditions contained in a tentative agreement, subject to the approval of the office of Corporation Counsel as to form.

Councilman Szwejbka: I have to abstain from this resolution because of a personal interest in the outcome.

President Rabb: It is my understanding that we have to vote on this.

Vote on the abstention. Carried: 8 ayes, 0 nays

Councilman DeJoy: I want to first commend both the administration and the Jamestown Kendall Club PBA for all their hard work and effort that went into negotiating this contract agreement. It's been a long 15 months in the process. I want to first and foremost say that the officers of the Jamestown Police Department have my deepest respect and appreciation for their professionalism and the difficult and challenging job that they do every day. Personally knowing many officers, I will say that they have the City of Jamestown and it's citizens in it's best interest in their heart as they perform their duties, not just for the paycheck but to insure that our City is kept safe. I want to first recognize that the Kendall Club PBA and the City have negotiated numerous concessions in such areas as healthcare contributions, co-pays and deductibles. Healthcare costs have risen so dramatically in recent years, and I feel that this contract aligns this collective bargaining unit closer to other bargaining units that represent city employees in other functions. The terms for contributions also appear fair given the greater burden that employees in the private sector are now faced with. I very much appreciate this closer alignment and I think that collectively that taxpayer citizens of Jamestown recognize these concessions made. Mr. President, I referenced the fact earlier that negotiations have been ongoing for 15 months. This contract will have retroactivity for 2008 and also cover this calendar year 2009. The area in which I have struggled with the past two weeks since it was first presented to Council in Executive Session on February 9th under contract negotiations is a percentage of pay increase for the year 2009. The contract has a 3% pay increase for both 2008 and 2009. I truly have no issue with the 3% increase for 2008. We were definitely in a different world last year. I think that was fair and reasonable. However, I do have concern and issue with the year 2009 due to the fact that there has been a global economic collapse. A 3% increase for 2009 just doesn't seem appropriate. A 3% increase in this economic environment when many citizens are not only not receiving any raises and many private sector employees are being asked to take pay cuts to keep from instituting workforce reductions, this is a hard

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pill for taxpayers to swallow. I believe it sends the wrong message. 3% raises have been given every year since 2004, I believe. It just sounds too automatic to me and I think the taxpayer that is faced with an economic uncertainty that hasn't been seen since the great depression, it won't feel appropriate and justified. I wanted to send a message loud and clear and I am not saying that some raise is not appropriate or warranted for 2009. It is the level of raise that would be given for 2009 in this most terrible economic crisis that I question here tonight. We've just recently received the bad news this week about a large employer, taxpayer and major BPU electricity customer is leaving Jamestown. This will mean over 300 jobs that are lost to citizens in Jamestown and the surrounding area and they are feeling the pain firsthand that comes with these times and tough decisions have to be made as Pastor Read mentioned tonight. I know that the citizens that depend on this most vital service of Public Safety appreciate the work of our Police Officers. That will never be a question in my mind. Therefore, Mr. President, I will be voting nay on this contract tonight. My no vote in no way is a reflection on the work and effort put forth by the administration in the negotiation of this agreement. It is also not a reflection of my respect and gratitude for the men and women that serve our City so well. Mr. President, I would encourage my colleagues on the Council tonight here to also vote no with the hope that both sides can bring in an agreement that is more reflective of our current economic situation. Thank you.

Councilman Whitford: This collective bargaining agreement was negotiated over 14 months and I understand that isn't very timely. Had it been a tentative agreement reached prior to September of 2008, there would have been no question on two years of 3% increase. This Council has consistently kept our Public Safety manpower at a minimum; they are at a much higher risk than in the past; and I do understand collective bargaining and I do understand who pays these bills. I'm one of the taxpayers. There are taxpayers out there that are on unemployment, they're losing their jobs, they're taking concessions. We debated this issue at length at City Council and I drew on the Council members who have had experience in the past and what are alternatives if we turn this contract down which most assuredly will not change much as far as the end results in the tentative agreement. In collective bargaining, there are the advocates for the bargaining unit and there are advocates for the administration who represent the citizens of this City. I would say to them, that our budget is based yearly so their negotiations in the future should be geared on reaching a tentative agreement within that year. We have an extraordinary amount of individuals out there who don't receive these raises. We have no strike clauses in this contract and I have to trust both advocate sides of this contract reached a tentative agreement, came back not only to their membership, but to this Council, and recommended passage of this agreement; and I stand before you – I will vote for this agreement. Thank you very much.

Councilman Dolce: Thank you Mr. President. I just want to make a few comments in regards to the vote as well. I agree pretty much with Councilman DeJoy; however, I will be voting in support of the two year contract with many concerns and reservations as he pointed out. While I'm concerned with giving any type of raise to employees especially during these economic hard times, there are a number of factors

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which we have to look at when making this decision. It's important to note that both sides worked very hard for a long period of time to come up with an agreement that has benefits to the taxpayers as well as members of the union. The City was successful in gaining a larger percentage of costs for health insurance as well as prescription co-pays. The union is also agreeing on a short term contract actually going back to last year 2008 and the remainder of this year, 2009. This short term contract takes into account the financial uncertainties that we are facing this year and in the years to come and allows us the flexibility to begin renegotiating for future contracts. Also, to vote this contract down could possibly force us into an arbitration process which in the long run would be lengthy and quite possibly much more costly to the City taxpayers. Historically, the arbitration process under New York State's Taylor Law has been very kind to our public unions. If we were to go that path, we run the risk of having an even greater settlement imposed than the one that is before us tonight. Our police force has been cut drastically over the past several years and they are faced with an ever growing burden of a community suffering from the effects of poverty, unemployment and ever-increasing social and domestic issues. Public Safety is and always will be the most important service that a local government must provide for its residents. While I recognize the need for us to be fiscally prudent, I believe that this contract does balance the needs and interests of our taxpayers as well as a fair negotiated settlement for the union.

Just one other note – the salary increases for 2008 and 2009 are included in the budget. I do want to mention and make a comment though however on future negotiations. I certainly hope that we can continue serious negotiations toward the merging of our police services, not only with the Sheriff's Department but with the County and with other agencies as well, and certainly the discussion needs to be put on the table for residency requirements for not only our police officers, but for many of our other city employees throughout the City of Jamestown, so again, with reservations, I will support this. I realize these are hard economic times. It's difficult, people are struggling, but we have to continue to do the business of the City and I will reluctantly support it.

Councilman Taylor: I pretty much have little to say because a lot of my comments and questions have been echoed by my fellow colleagues on the Council; but I will say, as it's been said many times, that public safety is the most important service that the City can possibly provide. I think that both sides on the negotiating table came up with a very good plan, a very good package, one that was very fair, one that was very necessary. And I also feel a lot of the concessions that may have been made by the Kendall Club wouldn't have been made possible if it wasn't in effect, due to these harsh economic times that everybody is definitely facing. As Councilman Dolce also said that there certainly is going to be more of a burden during these tough times. We ask more from our Public Safety Department; we ask more of these men and women, and at the same time as we ask more, we have given them less whether it was through policy of attrition, whether it was for cuts of certainly maybe necessary for the City budget. With a two year negotiating window over a four year one, I do feel this is very fair. I would ask this Council to please support the men and women of the Kendall Club, of our Public Safety Department because it is necessary, it's good and they're the ones, their families

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are the ones that are going to pretty much have to feel more of the burden of these troubled times as they go to protect the City of Jamestown. Thank you.

Councilwoman Jones: I have an additional comment. Again, most of the comments that I have, have already been stated. I won't reiterate that, but I want to say first that I agree with Councilman DeJoy. I've been divided between the desire to reward our Police Department with what I feel that they do is a great job keeping the City safe and torn between the appreciation for their work and the reality of the current financial situation in the City of Jamestown. With tax payers in our cities are losing their jobs and suffering layoff and reducing work hours, I don't see how we're going to be able to ask them to support and cover more of these kinds of increases. In addition, New York State is facing something like a 2.4 billion dollar budget gap and at this point, we're probably using some sort of a "best guess" to even decide what the revenues are going to be coming to us from New York State. Because of this, and only because of this current financial crisis, it's not a time for business as usual. In this particular case, it's a time for fiscal caution. Our constituents are very clear about this issue. Their load is already too heavy and they can bear no more; and so I, like Councilman DeJoy, will vote nay on this contract.

Councilwoman Ecklund: I wasn't going to say anything, because everything has already been said, but I just want to reiterate some key points to my decision and the difficult decision we all faced on this item. But the key factor going in is what we are voting on today is money that has already been budgeted. Regardless of whether we vote yes or no, there was money afforded and the budget did pass back in November to allow a 3% raise for the Police Department for the year 2009. I understand where we're at today. I understand the fiscal crisis we're in today in a world of uncertainty. I understand the apprehension; but my vote for this contract today is to pay back a year and a half of negotiations that have taken place and know that we already have it budgeted. We will not burden the taxpayers anymore today with a vote yes, because it's already been passed. I do clearly, however, want to state, and I agree with Councilman Dolce 100% that we need to look at very hard for any contract negotiations that are going on currently for all unions with stipulations of where we're at today and where the residency is an issue that was just brought to my attention tonight. So, hesitantly, I am voting yes, but knowing where we came from and where we're going tomorrow are two different issues, so I will support this resolution.

Councilman Szwejbka: Even though I am not voting...

Mr. Olson: You are not allowed to speak about the contract.

Councilman Szwejbka: I will go sit in the corner. Come to my Police Administration class tomorrow, I will have a lot to say.

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Councilman Whitford: I just have one more comment. Everyone here is listening to all of our information that we assimilated to come to our decisions and I do want you to rest assured that because this Council is not voting 100% one way or the other, does not mean that we are a divided Council. This means that we are a Council that debated the issues, discussed the issues and respected each other's opinions on the future of this City, and I just want you to make sure that that's straight; that we all worked together on the discussion of this issue. Thank you.

Council President Rabb relinquished the Chair to Councilman DeJoy in order to make comments.

Council President Rabb: I know that some of us are thinking that we've said everything, but I just have a few more things to add. From the first day this City Council convened for business almost 14 months ago, in what we thought at the time were challenging times, we have worked very closely with the Mayor and City employees to continue to provide the best possible public services while identifying every opportunity to reduce expenditures in the best interests of the taxpayers and the well being of our community. This is especially true with respect to public safety. I think we all agree that's our No. 1 priority. On December 1st of last year, this City Council adopted what I characterized at that time as a cautious, conservative budget. Little did we know in 2008, how good we had it and how quickly the economy, over which we have little control, would deteriorate in a few short months. Every day seems to bring more bad news, not only for our for-profit enterprises closing, consolidating or liquidating, but according to Friday's New York Times, in the last six months, non-profit groups that include cultural institutions and social service agencies have filed to reorganize or liquidate themselves under the Bankruptcy Code. Given the difficult economy in which we now find ourselves, it is more important than ever that we take every opportunity to do the right thing, no matter how difficult or personally uncomfortable it makes us feel. The times demand it, our constituents deserve it. An editorial in Sunday's Post Journal said "it is time for the public to demand that spending be cut at all levels of government." That is easier said than done, but I think we have an opportunity tonight. Council Member DeJoy, Chair of our Finance Committee, deliberately and carefully articulated and detailed the reasons he is voting no with respect to the agreement with the Kendall Club PBA before us. I concur with his judgment and analysis and for those reasons and others, I too will be voting no. I regret deciding to do so, but difficult times call for shared sacrifice. We are in this together and we will get through this together, but only if we pull together. Please understand that this is neither a rejection nor criticism of the negotiating parties on either side of the table. I've great respect for and confidence in our Mayor and his administration and equally high regard for our Jamestown Police Department – second to none in making and keeping this a safe community. Since the election in November of 2007, I have taken the opportunity to ride along twice in the evening on a weekend with our police officers – one in the Winter and one in the Summer. I was and am continuously impressed with the professionalism of our police officers, their law enforcement skills and dedication to our community's public safety. Last year it was my honor to read the proclamation in honor of our law enforcement officers at the annual commemorative ceremony in the plaza in the front of City Hall.

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Finally, it must be understood that this is not a vote against unions in general, or public employee unions in particular. As a Professor at Jamestown Community College, I too am a member of a public employee union. I come from a union family and consider the historically low level of unionization of the private sector workforce as a threat to America's economic prosperity and security. But difficult times call for extraordinary measures. What might have been fair, reasonable and deserved in better times is regrettably unacceptable in the current climate; and therefore, I too, will be voting no. Thank you.

Council President Rabb reassumed the Chair.

Councilman Taylor: Yes. I have another comment. In respect to everybody's comments, and I could see all sides definitely for those that are for and those that are against, I think separated from the vote, we are all in agreement. We know the importance of this department and public safety; but if we're looking at what is fiscally responsible – if this vote was to fail this evening – if we were to vote this down – then what would happen – would we take the money that was already budgeted in this year's budget, and would we rework it? Would we therefore then go to some sort of arbitration or draw this thing out as it was said before and end up coming up with something which would cost the taxpayers more in the future? I just want to once again reiterate that out of respect to both sides of the negotiating table, and I would say also the Kendall Club, that I do believe also sets an example of the necessity for unions to compromise across the board whether it's public safety, whether it's in the private/public sector, I commend them for that, but I would again ask this Council to please support this and get this out of the way and ratify this agreement. Thank you.

Council President Rabb: Any other comments?

Councilman Dolce: Just a brief one – I just wanted to add to it, the numbers as well – I was sorry that our Comptroller was not here tonight. It would be interesting to see the comparison of what the current pay and insurance costs are with the concessions that they made on insurance and co-pay – how that would equal out or come close to that. That would be an interesting comparison to see out there, to know that there has been a give and take and that although there is an increase in salary, there also is going to be an increase in the amount of money they pay for health insurance as well as their prescriptions. So, just remember that as well. Thank you.

Carried: 5 ayes, 3 nays (DeJoy, Jones, Rabb)
Szwejbka – abstain

There being no further business, the meeting was adjourned.

James N. Olson
Director of Financial Services/
City Clerk