

# **REGULAR MEETING OF THE COMMON COUNCIL**

**Tuesday, June 13, 2017 – 6:35 p.m.**

**Olean Municipal Building - Council Chambers**

- 1. ROLL-CALL**
- 2. INVOCATION**
- 3. PLEDGE**
- 4. READING, CORRECTING, AND APPROVAL OF THE MINUTES OF THE PREVIOUS REGULAR MEETING:**

“The Regular Meeting of the Olean Common Council was held on Tuesday, May 23, 2017 at 6:40 p.m.”

PRESENT: Aldermen Gonzalez, Witte, Andreano, Dougherty, Crawford, Smith, and George.

ABSENT: None

OFFICIALS: Mayor William Aiello; Al Utecht, City Clerk; Mary George, Community Development Program Coordinator; Bob Bell, Fire Chief; Jeff Rowley, Police Chief, and Tiffany Taylor, Managerial Confidential Administrative Secretary.

- 5. COMMITTEE REPORTS AND UNFINISHED COUNCIL BUSINESS**
- 6. COMMUNICATIONS FROM THE MAYOR**
- 7. MISCELLANEOUS COMMUNICATIONS**
- 8. CITY OFFICIAL REPORTS**
- 9. PROPOSED LEGISLATION & REFERRALS**

PL #51-17: (Aiello) To authorize National Grid to add eight (8) City-owned “energy-only” streetlights to the City’s existing Service Classification No. 3 streetlight bill, Account No. 08938-79108, utilizing City-owned poles that are located along Constitution Avenue Extension (Gateway Project Roadway). *Referred to Committee of the Whole Tuesday, June 13, 2017 by Council President.*

PL #52-17: (Aiello) To amend sewer rates pursuant to Section 27-167(A) of the City of Olean Code of Ordinances. *Referred to Committee of the Whole Tuesday, June 13, 2017 by Council President.*

PL #53-17: (Aiello) That the Common Council supports the preparation of an application to Empire State Development for Round II of the statewide Downtown Revitalization Initiative as well as a new opportunity to apply for funding under the Western New York Smart Growth Fund and authorizes the Mayor to sign and submit said application which is due June 14, 2017. *Referred to Committee of the Whole Tuesday, June 13, 2017 by Council President.*

PL #54-17: (Andreano) To authorize the deed transfer for a property located along Kingston Drive in the City of Olean for \$1.00 to a citizen in exchange for necessary work to correct drainage issues in the area. *Referred to City Operations Committee by Council President.*

PL #55-17: (Crawford) To authorize the transfer of up to \$45,000 from General Fund Surplus to line item 5111.301, Tree Programs, to cover the cost of pruning 13 trees and removing 23 trees throughout the City of Olean. *Referred to Finance Committee by Council President.*

PL #56-17: (Aiello) To authorize the Mayor to enter into an agreement with Cattaraugus County for the Department of Aging Senior Wellness and Nutrition Program Site. *Referred to Committee of the Whole Tuesday, June 27, 2017 by Council President.*

PL #57-17: (Gonzalez) To authorize Cattaraugus County and the Olean Business Development Corporation to complete a Baseball Field Complex Improvement Project at Forness Park, and to authorize the Mayor to sign and submit any relevant materials to both Cattaraugus County and the Olean Business Development Corporation in relation to this Project. *Referred to Committee of the Whole Tuesday, June 13, 2017 by Council President.*

PL #58-17: (Aiello) To authorize the use of up to \$155,000 of contingency funding for the William O. Smith Recreation Center Upgrades Project for additional items throughout the project. *Referred to Committee of the Whole Tuesday, June 13, 2017 by Council President.*

**10. PUBLIC COMMENT / INPUT (5 MINUTE LIMIT PER SPEAKER)**

**11. FINANCE / BILLS**

**12. RESOLUTIONS**

**RESOLUTION # 43-17**

**PL #45-17**

By Alderman \_\_\_\_\_, Seconded by Alderman \_\_\_\_\_

**TO AMEND THE CITY OF OLEAN CODE OF ORDINANCES SECTION 24-135 TO INCLUDE PROSPECT AVENUE, SOUTH, FOR A DISTANCE OF 880 FEET EAST FROM ITS INTERSECTION WITH FRONT STREET**

**RESOLVED**, that the City of Olean Code of Ordinances Section 24-135, Prohibited from designated sign to corner, is amended to include the following:

<b>Street</b>	<b>Side</b>	<b>Extent</b>
Prospect Avenue	South	For a distance of 880 feet east from its intersection with Front Street

**RESOLVED**, that this Resolution is effective immediately.

**RESOLUTION #49-17**

**PL #49-17**

By Alderman \_\_\_\_\_, Seconded by Alderman \_\_\_\_\_

**TO AMEND THE CITY OF OLEAN CODE OF ORDINANCES SECTION 21-173, CAFÉ REGULATIONS**

**RESOLVED**, that the City of Olean Code of Ordinances Section 21-173, Café Regulations, is amended as follows:

Sec. 21-173 Café regulations.

A café authorized and operated pursuant to this article shall:

- (1) Comply with the plans submitted and approved by Code Enforcement;
- (2) Sale and consumption of alcoholic beverages in the outdoor café must be authorized by the licensees;
- (3) Must not serve or permit consumption of alcoholic beverages on or at any sidewalk café after 11:00 p.m. before 8:00 a.m.;
- (4) Remove from the temporary enclosure furniture and other equipment used in operation of the café no later than one-half hour after closing of the applicant's adjacent place of business; and
- (5) Not permit any music to be played outdoors after 11:00 p.m.

**RESOLVED**, that this Resolution is effective immediately.

**RESOLUTION #52-17**

**PL #51-17**

By Alderman \_\_\_\_\_, Seconded by Alderman \_\_\_\_\_

**RESOLUTION AUTHORIZING THE ADDITION OF EIGHT (8) ENERGY-ONLY STREETLIGHTS ON  
CONSTITUTION AVENUE EXTENSION**

**RESOLVED**, that the Common Council, on behalf of the City of Olean, authorizes National Grid to add eight (8) City-owned "energy-only" streetlights to the City's existing Service

Classification No. 3 streetlight bill, Account No. 08938-79108. The City-owned “energy-only” streetlights utilizing City-owned poles are located along Constitution Avenue Extension (Gateway Project Roadway).

**RESOLVED**, that this Resolution is effective immediately.

**RESOLUTION #53-17**

**PL #52-17**

By Alderman \_\_\_\_\_, Seconded by Alderman \_\_\_\_\_

**TO AMEND SEWER RATES PURSUANT TO SECTION 27-167 OF THE CITY OF OLEAN CODE OF ORDINANCES**

**WHEREAS**, sewer services provided by the City of Olean shall from time to time in each case be established by the Common Council pursuant to Chapter 27, Article III, Division 5, Section 27-167;

**WHEREAS**, a public hearing was held on June 13, 2017 in the Council Chambers at 6:15 p.m. pursuant to Section 27-167 of the City of Olean Code of Ordinances;

**RESOLVED**, that sewer services provided within the boundaries of the City, sewer rates shall be as follows:

Monthly:

**RESIDENTIAL RATES**

SEWER:

.00907 cents per gallon

**COMMERCIAL RATES**

SEWER:

.00907 cents per gallon

**INDUSTRIAL**

SEWER:

.00743 cents per gallon

**RESIDENTIAL RATES OUTSIDE THE CITY**

SEWER:

.013615 cents per gallon

COMMERCIAL RATES OUTSIDE THE CITY

SEWER:

.013615 cents per gallon

INDUSTRIAL RATES OUTSIDE THE CITY

SEWER:

.010915 cents per gallon

**IT IS FURTHER RESOLVED**, that the water rates and sewer rates set forth above shall take effect July 1, 2017 and will be reflected in the billing sent out beginning September 1, 2017.

**RESOLUTION #54-17**

**PL #53-17**

By Alderman \_\_\_\_\_, Seconded by Alderman \_\_\_\_\_

**THAT THE COMMON COUNCIL SUPPORTS THE PREPARATION OF AN APPLICATION TO EMPIRE STATE DEVELOPMENT FOR ROUND II OF THE STATEWIDE DOWNTOWN REVITALIZATION INITIATIVE AS WELL AS A NEW OPPORTUNITY TO APPLY FOR FUNDING UNDER THE WESTERN NEW YORK SMART GROWTH FUND AND AUTHORIZES THE MAYOR TO SIGN AND SUBMIT SAID APPLICATION WHICH IS DUE JUNE 14, 2017**

**WHEREAS**, in the spring of 2016 Governor Cuomo introduced a major new initiative – the Downtown Revitalization Initiative (DRI) – which invested \$100 million in ten communities Statewide to develop downtown strategic investment plans and implement key catalytic projects that advance each community’s vision for revitalization, promote sustainable economic development, and create places where the next generation of New Yorkers can raise their families, work, and enjoy the diversity of recreational activities all within their downtowns; and

**WHEREAS**, the 2017 Executive and Enacted New York budget includes a new \$100 million round of the DRI, providing a \$10 million award to ten new communities for DRI Round II funding; and

**WHEREAS**, the Western New York Regional Council is also providing a new opportunity, the Smart Growth Community Fund, eligible to this region’s communities who are not nominated as the \$10 million winner of this 2017 statewide DRI competition for additional funding for transformative improvements to their city, town, or village downtowns; and

**WHEREAS**, the City of Olean, Cattaraugus County, Olean Business Development Corporation, the Olean CEO Executive Alliance, Urban Renewal Agency and other community organizations

have formed a collaborative relationship and are actively engaged in planning activities to support the revitalization and renewal of the City of Olean's downtown;

**NOW, THEREFORE, BE IT RESOLVED**, that the City of Olean's 2017 Downtown Revitalization Initiative Request for Designation is hereby approved for submission to Empire State Development (ESD) and the Western New York Regional Economic Development Council (WNYREDC); and

**BE IT FURTHER RESOLVED**, that Mayor William Aiello is hereby authorized to submit the request to ESD and the WNYREDC.

**RESOLVED**, that this Resolution is effective immediately.

**RESOLUTION #55-17**

**PL #57-17**

By Alderman \_\_\_\_\_, Seconded by Alderman \_\_\_\_\_

**RESOLUTION AUTHORIZING PARTICIPATION IN BASEBALL FIELD COMPLEX IMPROVEMENT PROJECT**

**WHEREAS**, the Cattaraugus County Legislature has adopted Act No. 187-2017 authorizing the County to contract with the Olean Business Development Corporation for the Cattaraugus County Youth Baseball Project; and

**WHEREAS**, Cattaraugus County desires to assist municipalities and non-profit organizations in the repair, maintenance and upgrade of youth baseball fields in an effort to attract, promote and support travel tournament play and youth enjoyment and recreation programs; and

**WHEREAS**, pursuant to the terms of the contract between Cattaraugus County and the Olean Business Development Corporation, the County requires the owner of the real property upon which the baseball field or complex is situated, by a legally adopted resolution if it be a municipality, to execute an affirmation of agreement authorizing said project and maintaining the same; and

**WHEREAS**, pursuant to the terms of the contract between Cattaraugus County and the Olean Business Development Corporation, the County requires any youth baseball organization seeking funds to submit a written request that will include a description of the project and scope of work, approximate cost, contract information for the applicant and a statement affirming that funds will be utilized exclusively for the repair, maintenance and upgrade of field or complex; and

**WHEREAS**, the City of Olean desires to partner with Cattaraugus County and the Olean Business Development Corporation in the repair, maintenance and upgrade of said youth baseball field and/or complex;

**NOW, THEREFORE, BE IT RESOLVED**, that William J. Aiello as Mayor of the City of Olean, is hereby authorized and directed to sign and submit with any relevant application materials to both the County of Cattaraugus and the Olean Business Development Corporation this affirmation of agreement from the City authorizing said project as presented to be completed on property owned by the City at 740 Hoop Street, Olean, New York, commonly known as “Forness Park”, and

**BE IT FURTHER RESOLVED**, that the City of Olean hereby agrees to indemnify and hold Cattaraugus County harmless from any claims or causes of action which may result, directly or indirectly from the acceptance of funds or subsequent repairs; and

**BE IT FURTHER RESOLVED**, that the City of Olean hereby declares its intention to maintain such repairs and upgrades to the extent possible; and

**BE IT FURTHER RESOLVED**, that William J. Aiello as Mayor is hereby authorized to execute any additional documents necessary in furtherance of this Resolution.

**RESOLVED**, that this Resolution is effective immediately.

**RESOLUTION #56-17**

**PL #58-17**

By Alderman \_\_\_\_\_, Seconded by Alderman \_\_\_\_\_

**TO AUTHORIZE THE USE OF UP TO \$155,000 OF CONTINGENCY FUNDING FOR THE WILLIAM O. SMITH RECREATION CENTER UPGRADES PROJECT FOR ADDITIONAL ITEMS THROUGHOUT THE PROJECT**

**WHEREAS**, the City of Olean Common Council awarded contracts for the William O. Smith Recreation Center Upgrades Project through Resolution #16-17 on February 28, 2017; and

**WHEREAS**, the Common Council approved Bond Resolution #41-17 on April 26, 2017 to fund said project; and

**WHEREAS**, through the course of the project, additional items have been found that require expenditures of the project’s budgeted contingency; and

**WHEREAS**, up to \$155,000 of the \$324,969 contingency is required for said items; and

**WHEREAS**, no additional funding on the part of the City is required;

**NOW, THEREFORE, BE IT RESOLVED**, that the Common Council authorizes the use of up to \$155,000 from the William O. Smith Recreation Center Upgrades Project contingency fund for additional items found during the project.

**RESOLVED**, that this Resolution is effective immediately.

## **13. ADJOURNMENT**