

# **REGULAR MEETING OF THE COMMON COUNCIL**

**Tuesday, December 26, 2017**

**Olean Municipal Building - Council Chambers – 6:35 p.m.**

## **1. ROLL-CALL**

## **2. INVOCATION**

## **3. PLEDGE**

## **4. READING, CORRECTING, AND APPROVAL OF THE MINUTES OF THE PREVIOUS REGULAR MEETING: AS AMENDED**

“The Regular Meeting of the Olean Common Council was held on Tuesday, December 12, 2017 at 6:30 p.m.”

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

ABSENT: None

OFFICIALS: Mayor William Aiello; Al Utecht, City Clerk; Nicholas DiCerbo, Jr., City Attorney; Fred Saradin, City Auditor; Bob Ring, Director of Public Works; 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**

Application for a Liquor License – Smiley’s RNP, LLC – 501 North 8<sup>th</sup> Street, Olean

## **8. CITY OFFICIAL REPORTS**

Monthly Report of the City Auditor, month ended November 2017

Quarterly Report of the City Auditor, six months ended November 30, 2017

## **9. PROPOSED LEGISLATION & REFERRALS**

PL #98-17: (Aiello) To authorize the Mayor to enter into an agreement with LaBella Associates, D.P.C. to provide sampling and analysis of groundwater and surface water samples for the Ischua Landfill for the period 2018 through 2020 for a cost not to exceed \$68,100. *Referred to Regular Meeting Tuesday, December 26, 2017 for Resolution by Council President.*

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

**11. FINANCE-BILLS**

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

The Auditor has processed bills and claims against the City of Olean as per list submitted to each Alderman and recommends payment thereof.

**WHEREAS**, the Auditor has presented to the Common Council, bills and claims against the City of Olean totaling \$3,255,212.51 for the budget and recommends payment thereof.

**NOW, THEREFORE, BE IT RESOLVED**, that the same be and are hereby audited and allowed, and the Auditor is hereby authorized and directed to draw warrants for the payment thereof at the amounts set opposite each respective claim.

**12. RESOLUTIONS**

**LOCAL LAW #01-2017**

**PL#97-17**

By Alderman Dougherty, Seconded by Alderman Crawford

**A LOCAL LAW PROHIBITING THE OCCUPANCY OF AN EXISTING STRUCTURE AFTER A CHANGE OR OWNERSHIP OR CHANGE OF OCCUPANCY CLASSIFICATION UNTIL A CERTIFICATE OF OCCUPANCY HAS BEEN ISSUED BY THE CITY OF OLEAN DEPARTMENT OF BUILDINGS AND CODE ENFORCEMENT**

**BE IT ENACTED** by the Common Council of the City of Olean, New York, as follows:

Certificate of Occupancy Requirement

No existing structure shall be occupied after a change of ownership, or change of occupancy classification until a certificate of occupancy has been issued by the City of Olean Department of Buildings and Code Enforcement. The City of Olean Department of Buildings and Code Enforcement shall issue a certificate of occupancy provided there are not violations of law or orders of the City of Olean Code of Ordinances pending, and it is established after inspection and investigation that the building or structure complies with all of the applicable requirements of the City of Olean Code of Ordinances and other applicable New York State codes, laws, regulations and ordinances.

**RESOLUTION #79-17**

**PL #81-17**

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

**THAT THE COMMON COUNCIL AUTHORIZES THE MAYOR TO ENTER INTO AN AGREEMENT WITH CLARK PATTERSON LEE FOR ENGINEERING SERVICES IN CONNECTION WITH WALKABLE OLEAN – PHASE II, MAIN STREET (NORTH UNION STREET TO FRONT STREET)**

**WHEREAS**, the City of Olean is desirous of undertaking a project that consists intersection improvements at North Barry and Main Streets, and Front and Main Streets; and

**WHEREAS**, the Common Council authorized the Mayor to sign and submit an application to the New York State Department of Transportation for funding under the Transportation Alternatives Program for said improvements, entitled “Phase II Walkable Olean Transformation Project” ; and

**WHEREAS**, the City of Olean has received funding assistance from the New York State Department of Transportation Alternatives Program (TAP) for said project; and

**WHEREAS**, the City of Olean has received a proposed agreement from Clark Patterson Lee for Engineering Design Services related to aforementioned project; and

**WHEREAS**, the Director of Public Works has reviewed said proposal from Clark Patterson Lee and has submitted to the Common Council a revised Scope of Services; and

**WHEREAS**, upon review with Public Works and Community Development Officials, the Common Council is desirous of utilizing grant funding sources and moving forward with the design portion of the Walkable Olean – Phase II Project;

**RESOLVED**, that the Common Council authorizes the Mayor to enter into an agreement with Clark Patterson Lee for Engineering Design Services, in an amount not to exceed \$197,110.03, in connection with the Walkable Olean – Phase II, Main Street (North Union Street to Front Street) Project.

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

**RESOLUTION #97-17**

**PL #96-17**

By Alderman Dougherty, Seconded by Alderman Smith

**TO AUTHORIZE THE SALE OF 1202 WEST SULLIVAN STREET TO A PRIVATE ENTITY**

**WHEREAS**, on October 25, 2016 the Common Council enacted Local Law #01-2016, adopting a policy for the sale or franchise of City-owned property; and

**WHEREAS**, said Local Law authorizes the Common Council to authorize a private sale of City-owned property not needed for public or municipal purposes, if said sale is in the best interests of the City; and

**WHEREAS**, Brian M. Rodman, a city resident and owner of (“Resident”) at 1206 W. Sullivan St., has submitted to the Common Council a purchase offer for City owned property (“City Property”) located 1202 West Sullivan Street, and

**WHEREAS**, the City Property is located immediately adjacent to the property of the resident and said purchase offer requires the resident to demolish and grade the City Property within 10 months of conveyance to the resident by the City, and

**NOW, THEREFORE, BE IT RESOLVED, THAT** the Common Council declares that the City Property identified as 1202 W. Sullivan, St. (s/b/l: 94.056-3-45) as property that is no longer needed for public or municipal purposes; and,

**BE IT FURTHER RESOLVED, THAT** the Common Council determines that the sale of the property to the Brian M. Rodman, with the condition that the property be demolished and graded within 10 months of conveyance is in the best interests of the City, and

**BE IT FURTHER RESOLVED, THAT** the City will sell and convey its rights, title and interest in and to the real property identified as 1202 W. Sullivan, St. (s/b/l: 94.056-3-45) to Brian M. Rodman for \$1.00 and the costs of the conveyance, and

**RESOLVED, THAT** the deed conveying title to the property shall contain the following restrictive and reversionary language which are intended to run with the land. ;

1. Failure of the Grantee to demolish and grade the property on or before November 28, 2018 without a duly resolved extension of time authorized by the City shall cause the property to revert back to the Grantor.
2. No Structures of any type may be erected on the property without a duly authorized resolution of the Common Council.

**RESOLVED**, that the deed shall not be executed and delivered to the Grantee until the time period specified in Local Law 01-2016, for the filing of a petition demanding a public referendum on the proposed sale, has expired.

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

**RESOLUTION #98-17**

**PL #98-17**

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

**TO AUTHORIZE THE MAYOR TO ENTER INTO AN AGREEMENT WITH LABELLA ASSOCIATES, D.P.C. TO PROVIDE SAMPLING AND ANALYSIS OF GROUNDWATER AND SURFACE WATER SAMPLES FOR THE ISCHUA LANDFILL FOR THE PERIOD 2018 THROUGH 2020 FOR A COST NOT TO EXCEED \$68,100**

**WHEREAS**, the New York State Department of Environmental Conservation mandates that the City of Olean monitor groundwater and surface water quality at the Ischua Landfill at the Olean Airport; and

**WHEREAS**, the previous contract with LaBella Associates, D.P.C. (f/k/a KHEOPS Architecture, Engineering & Survey, D.P.C.) expired with the submittal of their Fall 2017 semi-annual reporting resulting from such monitoring; and

**WHEREAS**, the City has received a proposal to extend the previously executed agreement and extend services from LaBella Associates, D.P.C. to complete sample collection, analysis and reporting for the 6 quarterly monitoring events from 2018 through 2020 for a cost of \$68,100;

**NOW, THEREFORE, BE IT RESOLVED**, that the Common Council of the City of Olean authorizes the Mayor to enter into an agreement with LaBella Associates, D.P.C. to provide sampling, analysis, and reporting of groundwater and surface water samples for the Ischua Landfill at the Olean Airport for the period of 2018 through 2020 for a cost not to exceed \$68,100.

**BE IT FURTHER RESOLVED**, that this Resolution is effective immediately.

### **13. ADJOURNMENT**