

## CITY OPERATIONS

Tuesday, October 17, 2017 – 5:30 p.m.

Police Training Room – Olean Municipal Building

Present: Members: Chairman Smith, Vice Chair Gonzalez, Alderman Dougherty, Alderman Andreano, and Alderman George. Others: Alderman Witte; Alderman Crawford; Mayor William Aiello; Nicholas DiCerbo, Jr., City Attorney; Bob Ring, Director of Public Works; Jeff Rowley, Police Chief, and Tiffany Taylor, Managerial Confidential Administrative Secretary.

### 1. Roll Call

Alderman Smith called the meeting to order at 5:30 p.m. and asked that the record show that all committee members were present.

### 2. Approval of Minutes of the Previous Committee Meeting (Tuesday, October 3, 2017)

A motion to approve the minutes of the October 3, 2017 committee meeting was made by Alderman Smith, seconded by Alderman George. Voice vote, ayes all. Motion carried.

### 3. Unfinished Business

None

### 4. Executive Session

A motion to enter into executive session to discuss collective negotiations pursuant to Article 14 of the Civil Service Law was made by Alderman Smith, seconded by Alderman Crawford. Voice vote, ayes all. Motion carried. Executive session began at approximately 5:32 p.m.

A motion to adjourn from executive session was made by Alderman Smith, seconded by Alderman Andreano. Voice vote, ayes all. Motion carried. Executive session adjourned at approximately 5:42 p.m.

### 5. New Referrals for Consideration

- a. PL #81-17: (Aiello) 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 to Front Street).

A motion to postpone PL #81-17 to the next City Operations committee meeting was made by Alderman Smith, seconded by Alderman Gonzalez. Voice vote, ayes all. Motion carried.

- b. Tree Removal Permit Requests

Alderman Smith stated that he has received two requests for tree removal permits, and he is bringing them to the Council for discussion. Alderman Gonzalez asked for clarification that the removal requests go to the Council, and Alderman Dougherty stated that the requests first go to DPW, who have the City Forester review the situation, and then the Council is consulted as it is the Council's responsibility to approve or deny the issuance of the permit.

Alderman Smith stated that the first tree is in front of the Oishi Sushi restaurant, and it was severely damaged in the last storm. The trunk is split, and limbs have been falling off. Alderman Gonzalez questioned if they will be taking the tree down at their expense, and Alderman Smith replied that they would.

He continued in stating that the second tree is on Grant Court in the Seneca Heights neighborhood. He stated that the City Forester did look at the tree, and she didn't recommend that it be cut down. It is a smaller tree with a frost crack, which is common. It is also close to a fire hydrant.

Alderman Gonzalez questioned, if the Council authorizes the permit, if the property owner has to have a licensed professional cut the tree down, or if they can do it themselves. Alderman Dougherty stated that a certain amount of insurance must be provided. Alderman Smith stated that he is not sure what the Oishi owner plans to do, but the Grant Court gentleman has a licensed tree cutter ready to do the work. Alderman Gonzalez stated that he feels better having a licensed cutter take it down, rather than having the property owner go out with a chainsaw and doing it themselves.

Mr. Jennings stated that a permit is also needed for occupying the right of way during the removal.

Alderman Witte questioned if the Council shouldn't approve having the tree cut down because the City Forester doesn't recommend it. Alderman Andreano replied that, let's say, the tree is pretty, and the Forester doesn't want to see it removed because it isn't dead. We require the homeowner to take care of the tree though, so it should be their decision. Alderman Witte questioned if there is an issue caused by the tree, and Alderman Smith stated that there is a safety issue getting in and out of the driveway, as well as small children that the owners are concerned may be hurt if limbs from the tree fall.

Mr. Ring stated that he received a separate email from the City Forester that stated that the tree is a maple with a frost crack, as well as a lot of deadwood in the truck. She states that it is okay for the property owner to remove the tree.

Alderman Dougherty stated that he likes the process of getting an opinion from an expert Forester, as well as hearing the property owner's concern, so that the seven Council members can make an objective decision.

Alderman Crawford stated that, since the City stopped funding the tree program, that the property owner should be able to do whatever they like with their trees. Alderman Gonzalez added that he feels that they should still get a permit.

Alderman Smith stated that he scrutinizes the idea of letting the property owner do whatever they like with the trees for aesthetic reasons. If we allow them to make the decision without City or Council approval, every business on West State Street would take down their trees. On Union Street, if property owners take down trees in the right of way, then we have just shelled out a lot of money for nothing. The whole tree issue is complex, and there are a lot of bugs in the system.

Mr. DiCerbo stated that the Council can specify the terms by which a tree is removed. Alderman Smith questioned if tree cutters are licensed in the City, and Mr. Jennings replied that they are. They are also licensed separately as tree trimmers (although you can be both), and tree trimmers without a tree removal license cannot take a tree down. Alderman Witte questioned if these licensed contractors are required to have insurance, and Mr. Jennings replied that they are.

Alderman Smith questioned if the Council is comfortable with the requirement that a tree remover licensed with the City must cut the tree down. He questioned the license cost, and Mr. Jennings replied that it is \$50 plus a \$65 fee for a background check. Mayor Aiello stated that contractors are licensed in the City for the purpose of protecting residents.

Alderman Smith called a roll call vote for the removal of the Grant Court tree. Ayes all. Permit approved. Referred to Department of Public Works for permit issuance.

Alderman Smith called a roll call vote for the removal of the Oishi Sushi tree, subject to the work being done by a licensed contractor. Ayes all. Permit approved. Referred to Department of Public Works for permit issuance.

c. Discussion – Hazardous Tree Removal Bid / Fund Transfer

Alderman Smith stated that everyone received an email regarding the bid opening. One bid was received from Southern Tier Tree and Lawn Service in the amount of \$23,500. Mr. Ring stated that there is a list of eleven trees to be removed, and the RFP requested a lump sum bid. If we look at the existing contract that the City has with Fries Tree Service, the cost would be \$15,500. He stated that we can still hold Fries for that price.

Alderman Smith questioned if the \$15,500 is currently budgeted, and Alderman Crawford stated that there is no money left in the tree removal budget. It would have to be pulled from somewhere else.

Alderman Crawford asked to verify the list. Alderman George introduced Elise, a tenant who lives next to the tree at 218 South 5<sup>th</sup> Street. She stated that the tree drops branches every time that there is a wind storm. The last storm dropped limbs that ripped the phone and power lines off both her home and her elderly neighbor's home. She is concerned and hopes that the tree is removed soon. Mr. Ring confirmed that this tree is on the removal list.

Alderman Witte questioned if the tree is in the right of way, and Alderman Crawford stated that it is. He asked if the contractor will still honor the pricing, and Mr. Ring stated that there is a one year contract that was signed so the contractor must honor the pricing.

Alderman Smith questioned if this list makes the "past wrongs right", and Alderman Gonzalez replied that it removes the imminent threats that we have received complaints about.

Alderman Dougherty stated that \$15,000 is easier to swallow than \$45,000.

Alderman Crawford questioned if the Department of Public Works is able to handle the trees, and Mr. Ring replied that the City crews can perform some preventative maintenance by trimming trees. We do not, however, have the capability to remove trees in house.

Alderman Witte stated that, moving forward, we need to look into some sort of maintenance program. Alderman Gonzalez stated that we need to have the City Forester, or an alternative department, report to a homeowner that maintenance or removal of a tree needs to occur, perhaps with an Order to Remedy. Mr. Jennings replied that it is feasible to give an Order to Remedy to a property owner when a tree needs to be maintained or removed. He stated that at least the City is recognizing that the danger is there, and is putting the property owner on notice.

Alderman Crawford stated that when municipalities stop providing certain services, failure tends to occur. When you look at the sidewalks and the program the City currently uses, it doesn't work well. There are only so many people in codes and so much we can do. We need to look at things from a sustainability standpoint and decide what is feasible and what makes sense.

Alderman Gonzalez stated that, at budget time, the Council requested that \$600,000 be cut. We settled on \$450,000. He knows that we want programs, but if we put this money back into the budget, we need to cut from somewhere else. Alderman Smith stated that the trees in the right of way are legally property of the homeowner. We didn't have the money for the program

last year, and we won't have money for the program next year. If we do decide to find the money for the program, then we have to consider all of the people who have pruned or taken down trees this year on their own dime. They have gotten a pretty raw deal.

Alderman Crawford stated that if the City goes in the same direction with trees in the right of way as they did with sidewalks, we need to make some decisions. He stated that it doesn't need to occur today, but decisions need to be made. Alderman Gonzalez stated that we need to figure something out fast.

Alderman George stated that we have eleven complaint-driven, imminent danger trees. Alderman Crawford stated that he would submit a PL for the transfer of funds. He also recommended that Mr. Ring, the City Forester and Code Enforcement work together to get citations out to other property owners regarding the trees that need maintenance or removal.

Alderman Gonzalez stated that he thought that the list that was going out for bid would be one of all trees in imminent danger. Alderman Smith stated that they did not want to go with that list. Alderman Crawford stated that the original list, with an approximate \$45,000 cost, was for problematic trees, imminent danger trees, and complaint trees.

There was some dispute regarding the list of trees that was to be bid out and removed. Alderman Crawford will work with the City Forester to submit a PL for a fund transfer at a later date.

#### 6. Approval of Committee Reports

None

#### 7. Adjournment

A motion to adjourn was made by Alderman Smith, seconded by Alderman George. Voice vote, ayes all. Motion carried. Meeting adjourned at approximately 6:25 p.m.