

REGULAR MEETING OF THE COMMON COUNCIL

Tuesday, February 13, 2018 – 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, January 23, 2018 at 6:45 p.m.”

PRESENT: Alderman Crawford, Andreano, Gonzalez, Dougherty, Smith, and George

ABSENT: Alderman Witte

OFFICIALS: Mayor William Aiello; Lens Martial, City Clerk; Nicholas DiCerbo, Jr., City Attorney; Fred Saradin, City Auditor; Keri Kerper, Community Development Program Coordinator; Bob Ring, Director of Public Works; Jeff Rowley, Police Chief, and Tiffany Taylor, Managerial Confidential Administrative Secretary.

5. COMMITTEE REPORTS AND UNFINISHED COUNCIL BUSINESS

Report from Strategic Planning Committee on PL #01-18, that the Common Council as Lead Agency declares the Allegheny River Public Access and Recreation Plan a Type I Action that will not result in any significant adverse environmental impact and thus issues a Negative Declaration in accordance with the New York State Environmental Quality Review Act. Committee recommends approval. Referred to City Attorney for Resolution.

Report from Strategic Planning Committee on PL #02-18, that the City of Olean Common Council formally adopts the Allegheny River Public Access and Recreation Plan. Committee recommends approval. Referred to City Attorney for Resolution.

Report from Finance Committee on PL #03-18, to create the “Audit and Compliance Committee” consisting of five members. Committee recommends approval. Referred to City Attorney for Resolution.

Report from Finance Committee on PL #05-18, to authorize the closing of seventeen Capital Funds, and to authorize the transfer of funds associated with said closings. Committee recommends approval. Referred to City Attorney for Resolution.

6. COMMUNICATIONS FROM THE MAYOR

Special Citation and Certificate of Achievement – Christopher Crino, Eagle Scout

7. MISCELLANEOUS COMMUNICATIONS

Application for a Liquor License –El Sombrero Mexican Restaurant, 315-317 North Union Street, Olean

8. CITY OFFICIAL REPORTS

Office of Vital Records – Summary of Year Ending December 31, 2017

9. PROPOSED LEGISLATION & REFERRALS

PL #06-18: (Aiello) To accept the deed to Jack Murphy Boulevard for dedication. *Referred to Committee of the Whole Tuesday, February 13, 2018 by Council President.*

PL #07-18: (George) To authorize the installation of two “Deaf Child Area’ signs on East Oak Street at its intersections with North Union Street and Walnut Street. *Referred to Public Safety Committee by Council President.*

PL #08-18: (Andreano) To amend the City of Olean Code of Ordinances Section 24-134 to prohibit parking on Garden Avenue for a distance of 15 feet to the east and 20 feet to the west of the rear driveway of 629 East State Street. *Referred to Committee of the Whole Tuesday, February 13, 2018 by Council President.*

PL #09-18: (Aiello) To authorize the Mayor to sign an agreement between the City of Olean and the State of New York in connection with Accelerated Transit Capital funds for the Olean Area Transit System. *Referred to City Operations Committee by Council President.*

PL #10-18: (Crawford) Authorizing the implementation, and funding in the first instance 100% of the federal-aid and State “Marchiselli” Program-aid eligible costs, of a transportation federal-aid project, and appropriating funds therefore. *Referred to Regular Meeting Tuesday, February 13, 2018 for Resolution by Council President.*

PL #11-18: (Crawford) That the Common Council authorizes the Mayor to enter into an agreement with Clark Patterson Lee for reengineering services in connection with Walkable Olean – Phase II, Main Street (North Union Street to Front Street). *Referred to Regular Meeting Tuesday, February 13, 2018 for Resolution by Council President.*

PL #12-18: (Aiello) That the City of Olean adopts the Policy Guidelines and Operation Plan for the Microenterprise Assistance Program implementing New York State Office of Community Renewal Grant #841ME90-17. *Referred to Strategic Planning Committee by Council President.*

PL #13-18: (Aiello) To authorize the Mayor to execute a sub-recipient agreement with Olean Business Development for the City of Olean Microenterprise Assistance Program. *Referred to Strategic Planning Committee by Council President.*

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

11. FINANCE / BILLS

12. RESOLUTIONS

RESOLUTION #01-18

PL #03-18

By Alderman Crawford, Seconded by Alderman Witte

TO CREATE THE AUDIT AND COMPLIANCE COMMITTEE

WHEREAS, the Common Council is desirous of creating a Committee with the purpose of soliciting input from the Council regarding audit and financial oversight related issues including, but not limited to, financial policies, internal controls, and risk management; and

WHEREAS, said Committee is to be created with the intent to review the credentials of external auditors and make recommendation to the Council as to the selection of the external auditor; and

WHEREAS, the Committee will recommend to the Common Council an independent firm of certified public accountants, qualified to perform the annual audit of the City, and further assure the scope of the annual audit meets Council requirements and assure financial statements and audits meet Council needs and are reported to the Council in a timely manner; and

WHEREAS, the Audit and Compliance Committee will review annually the performance of the City Auditor and provide that information to the Council, review at least annually the adequacy of the City's internal controls, and meet with the City Auditor throughout the fiscal year to discuss the auditing process, including the examination of internal controls currently utilized by the City; and

WHEREAS, the Committee will meet and review other audit and financial oversight related projects as referred by the Council, and establish procedures for the receipt, retention and treatment of complaints regarding accounting, internal accounting controls, or auditing matters;

NOW, THEREFORE, BE IT RESOLVED, that the Common Council hereby authorizes the creation of an Audit and Compliance Committee to be comprised of up to two citizen members, residents of the City of Olean and possessing a basic understanding of governmental financial reporting and auditing, to be appointed by the Mayor with the advise and consent of the Council, as well as three members of the Common Council appointed by the Council President.

RESOLVED, that this Resolution is effective immediately.

RESOLUTION #02-18

PL #01-18

By Alderman Witte, Seconded by Alderman Crawford

THAT THE COMMON COUNCIL AS LEAD AGENCY DECLARES THE ADOPTION OF THE ALLEGHENY RIVER PUBLIC ACCESS AND RECREATION PLAN A TYPE I ACTION THAT WILL NOT RESULT IN ANY SIGNIFICANT ADVERSE ENVIRONMENTAL IMPACT AND THUS ISSUES A NEGATIVE DECLARATION

WHEREAS, the City of Olean is considering adoption of the final Allegheny River Public Access & Recreation Plan (ARPARP); and

WHEREAS, the intent of the multi-jurisdictional ARPARP is to improve waterfront access, promote the underutilized river corridor and attract recreation based businesses to strengthen the tourism economy; and

WHEREAS, the Common Council has determined that the proposed action is a “Type I Action” as defined under the New York State Environmental Quality Review Act (SEQR); and

WHEREAS, the Common Council has caused to be prepared an environmental assessment of the significance of and potential environmental impact of this action; and

WHEREAS, the Common Council has requested Lead Agency status by notification of Involved and Interested Agencies of its intent for this adoption and circulated Parts I and II of the Environmental Assessment Form pursuant to 6NYCRR Section 617.6 and has declared itself Lead Agency for purposes of Environmental Review; and

WHEREAS, the City of Olean Common Council, as Lead Agency, has reviewed and fully considered Part I of the SEQR Full Environmental Assessment Form (EAF);

NOW, THEREFORE, BE IT RESOLVED, that the Common Council finds that the adoption of the ARPARP will result in no major impacts and will not cause significant damage to the environment. A Negative Declaration under SEQR is therefore issued for this action.

RESOLVED, that this Resolution is effective immediately.

RESOLUTION #03-18

PL #02-18

By Alderman Crawford, Seconded by Alderman Andreano

RESOLUTION AUTHORIZING THE OLEAN COMMON COUNCIL TO ADOPT THE ALLEGHENY RIVER PUBLIC ACCESS AND RECREATION PLAN

WHEREAS, the City was awarded \$38,750 in grant funds from the New York State Department of State under the 2015 Consolidated Funding Application Process to assist in the preparation of the Allegheny River Public Access and Recreation Plan (ARPARP); and

WHEREAS, the City of Olean, in partnership with the City of Salamanca; Towns of Allegany, Portville, Olean and Salamanca; and Villages of Portville and Allegany have established a plan for a multi-use recreational trail system along the Allegheny River; and

WHEREAS, the project's study area is approximately 20,000 acres of land along 30 miles of the Allegheny River and the Plan is consistent with the Comprehensive Plan for each municipality; and

WHEREAS, the Plan explores strategies to improve waterfront access, promote the underutilized river corridor, and attract recreation-based businesses to strengthen the tourism economy; and

WHEREAS, the plan went through an extensive public outreach process and the necessary public outreach sessions were held; and

WHEREAS, as a result of this comprehensive approach, the plan includes 26 recommended projects and strategies that address collaboration, connectivity, recreation, access, tourism, economic development, preservation, culture, history, and sustainability; and

WHEREAS, copies of the ARPARP were referred to the Cattaraugus County and the City of Olean Planning Boards for review and recommendation to the Council; and

WHEREAS, both Boards formally reviewed said Plan and recommended adoption by the Council;

NOW, THEREFORE, BE IT RESOLVED, that the City of Olean Common Council hereby formally adopts the Allegheny River Public Access and Recreation Plan as a guide for making decisions, recommendations and implementations of projects.

RESOLVED, that this Resolution is effective immediately.

RESOLUTION #04-18

PL #NONE

By Alderman _____, Seconded by Alderman _____

RESOLUTION AUTHORIZING THE MAYOR TO SIGN THE CSEA CONTRACT

RESOLVED, that the Mayor is hereby authorized and directed to sign the CSEA contract as reflected in an agreement between the Civil Service Employees Association, Inc. (CSEA), AFSCME Local 1000, AFL0CIO and the City of Olean.

RESOLVED, that this Resolution will be effective immediately.

RESOLUTION #05-18

PL #06-18

By Alderman _____, Seconded by Alderman _____

TO ACCEPT THE DEED TO JACK MURPHY BOULEVARD FOR DEDICATION

WHEREAS, a certain parcel of land adjacent to Buffalo Street has been offered for dedication to the City of Olean (the “City”) for highway purposes by Krog Corporation, the owner of said land as shown on a plan prepared by David J. Uhrinec, P.E., dated December 8, 2016; and

WHEREAS, the Director of Public Works of the City has recommended acceptance of said parcel for dedication for highway purposes, upon the completion of construction of said roadway in accordance with City specifications;

RESOLVED, that the Common Council hereby approves said dedication subject to conditions and approval of the abstract of title by the City Attorney; and

RESOLVED, the Common Council in regular session duly convened agrees to accept the deed of dedication on the said road, to be known as Jack Murphy Boulevard, and directs the City Clerk to record the same in the Cattaraugus County Clerk’s Office.

RESOLUTION #06-18

PL #05-18

By Alderman Crawford, Seconded by Alderman Smith

TO AUTHORIZE THE CLOSING OF SEVENTEEN (17) CAPITAL FUNDS, AND TO AUTHORIZE THE TRANSFER OF FUNDS ASSOCIATED WITH SAID CLOSINGS

RESOLVED, that the following transfers be authorized:

Account #	Description- General	Amount Transferred	Transferred to
CF #87	Landfill – Olean Airport	57,2892.23	
CF #116	Fire Arson Equipment	11,471.00	
CF #117	Dispatch Project	2,212.27	
CF #120	Water Filtration Plant	34,139.00	
CF #132	Parking Lot Maintenance	27,985.11	
CF #133	Parking Lot Repaving	51,629.48	
CF #137	Telephone System	4,000.02	
CF #149	Bartlett House Renovations	(11,752.00)	
	Municipal Bldg/Firehouse		
CF #151	Relocation	(3,478.00)	
CF #153	East State Street and Sewer	(74,078.00)	

	Improvements		
CF #155	Courtroom Project	(8,403.00)	
CF #156	Wastewater Plant Belt Control	5,000.00	
CF #157	Narrow Band Upgrade	(2,584.00)	
CF #158	Traffic Signals	17,000.00	
	Brownfield Opportunities		
CF #162	Program	(42,148.90)	
CF #165	Bradner Stadium	(11,816.21)	
CF #166	Franchot Playground	(5,531.00)	
CF #168	Homer Street Playground	(6,580.00)	
CF #174	Homer Street Project	(5,219.00)	
F-06-5-9955.550	Water Fund		34,139.00
G-07-5-9955.550	Sewer Fund		5,000.00

RESOLVED, that the following Capital Funds are to be closed by the City Auditor: Capital Funds 87, 116, 117, 120, 133, 137, 149, 151, 153, 155, 156, 157, 158, 162, 166, 168, and 174.

BE IT FURTHER RESOLVED, that this Resolution shall be effective immediately.

RESOLUTION #07-18

PL #09-18

By Alderman _____, Seconded by Alderman _____

AUTHORIZING THE IMPLEMENTATION, AND FUNDING IN THE FIRST INSTANCE 100% OF THE FEDERAL-AID AN STATE “MARCHISELLI” PROGRAM-AID ELIGIBLE COSTS, OF A TRANSPORTATION FEDERAL-AID PROJECT, AND APPROPRIATING FUNDS THEREFORE

WHEREAS, a project for the Walkable Olean Phase II, P.I.N. 576236 (the “Project”) is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% Federal funds and 20% non-federal funds; and

WHEREAS, the City of Olean desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of \$135,478;

NOW, THEREFORE, The Common Council, duly convened does hereby

RESOLVE, that the Common Council hereby approves the above-subject project and it is hereby further

RESOLVED, that the Common Council hereby authorizes the City of Olean to pay in the first instance 100% of the federal and non-federal share of the cost of \$677,391 work for the Project or portions thereof; and it is further

RESOLVED, that the sum of \$176,000 is hereby appropriated and made available to cover the cost of participation in the above phase of the Project; and it is further

RESOLVED, that in the event the full federal and non-federal share costs of the project exceeds the amount appropriated above, the Common Council of the City of Olean shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the Director of Public Works thereof, and it is further

RESOLVED, that the Mayor of the City of Olean be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the City of Olean with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible, and it is further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project, and it is further

RESOLVED, that this Resolution is effective immediately.

RESOLUTION #08-18

PL #11-18

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 \$1,429,820, in connection with the Walkable Olean – Phase II, Main Street (North Union Street to Front Street) Project.

RESOLVED, that this Resolution is effective immediately.

13. ADJOURNMENT