

# **REGULAR MEETING OF THE COMMON COUNCIL**

**Tuesday, May 8, 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, April 24, 2018 at 6:50 p.m.”

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

ABSENT: None

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; Ed Jennings, Code Enforcement Supervisor; 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 #50-18: (Aiello) To authorize the removal of 14 existing 17-watt mercury vapor lighting fixtures by National Grid located on Carolina Street and Bradley Drive. *Referred to Committee of the Whole Tuesday, May 8, 2018 by Council President.*

PL #51-18: (Aiello) To authorize the City Auditor to bond for the remainder of the North Union Street Judgment payment. *Referred to Committee of the Whole Tuesday, May 8, 2018 by Council President.*

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

**11. FINANCE / BILLS**

**12. RESOLUTIONS**

**RESOLUTION #32-18**

**PL #32-18**

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

**RESOLUTION OF THE COMMON COUNCIL FOR THE CITY OF OLEAN DECLARING ITSELF LEAD AGENCY, ADOPTING REVISIONS AND RECOMMENDATIONS ON THE FULL ENVIRONMENTAL ASSESSMENT FORM AS SUBMITTED BY INVOLVED AGENCIES, AND MAKING A DETERMINATION OF SIGNIFICANCE UNDER THE STATE ENVIRONMENTAL QUALITY REVIEW ACT RELATING TO THE APPLICATION FOR A SUBDIVISION OF A PLOT OF LAND LOCATED ON INWOOD DRIVE (“FOREST HILLS SUBDIVISION”)**

**WHEREAS**, pursuant to Chapter 22, Article III of the City of Olean Code of Ordinances, on February 23, 2018, the Common Council of the City of Olean (“Common Council”) received an application from Eric Biscaro and Raquel Biscaro Martin (“Applicant”) for the subdivision of a plot of land located on Inwood Drive for the purpose of a Patio Home Development (“Forest Hills Subdivision”), together with Part 1 of a Full Environmental Assessment Form (EAF) under the State Environmental Quality Review Act, and on or about March 16, 2018, a revised Part 1 of the EAF was resubmitted to the Common Council; and

**WHEREAS**, the Applicant is seeking the subdivision of forty one (41) existing lots into fifty five (55) lots for the development of fifty two (52) patio homes for rental and three (3) single family homes; and

**WHEREAS**, the City desires to comply with Article 8 of the Environmental Conservation Law, as amended (SEQRA) and the implementing regulations at 6 NYCRR Part 617 (the “Regulations”); and

**WHEREAS**, the Common Council acknowledged receipt of the subdivision application and the EAF at its duly noticed regular business meeting on March 27, 2018, preliminary classified the Action as a Type I Action and declared its intent to act as the Lead Agency to undertake a coordinated environmental review as required by SEQRA; and

**WHEREAS**, in addition to the Common Council, the other involved agencies (as this quoted term is defined in the Regulations) in regard to this Action include the City of Olean Planning Board, the Cattaraugus County Planning Board, the Cattaraugus County Health Department, the New York State Department of Transportation, and the New York State Department of Environmental Conservation; and

**WHEREAS**, by a letter dated March 22, 2018, the Common Council caused a letter, a copy of the subdivision application, and the EAF to be sent to these other involved agencies, indicating the Common Council's desire to serve as Lead Agency (as this quoted term is defined in the Regulations) for a coordinated review under SEQRA and requesting any comments the agencies may have on the project; and

**WHEREAS**, the Common Council had thoroughly reviewed all information provided in the EAF, as well as the reports, analyses and correspondence provided by the Applicant, and the comments received from the involved agencies that were submitted to the Common Council regarding the potential adverse impacts of the Action, in addition to complete concurrence with the Council's Lead Agency status; and

**WHEREAS**, the Common Council is mindful of the criteria set forth in Section 617.7 of the Regulations for determining the environmental significance of an action; and

**WHEREAS**, pursuant to the Regulations, the Common Council has considered the significance of the potential environmental impacts of the Action by (a) using the criteria specified in Section 617.7 of the Regulations, and (b) examination of the EAF for the Action, including the facts and conclusions in Part 1 of the EAF, and completing Parts 2 and 3 of the EAF, together with examining other available supporting information, to identify the relevant areas of environmental concern, and (c) thoroughly analyzing the identified areas of relevant environmental concern;

**NOW, THEREFORE, IT IS HEREBY RESOLVED** by the Common Council of the City of Olean confirms and adopts the following findings with respect to SEQRA:

- A. The Action is subject to SEQRA;
- B. The other involved agencies with respect to this Action include the City of Olean Planning Board, the Cattaraugus County Planning Board, the Cattaraugus County Health Department, the New York State Department of Transportation, and the New York State Department of Environmental Conservation;
- C. The Action is a Type I Action; and
- D. The Common Council of the City of Olean has duly acted as Lead Agency for purposes of undertaking a coordinated review with respect to the Action.

**IT IS HEREBY FURTHER RESOLVED**, that this Action has the potential to create at least one significant adverse environmental impact and, therefore, a positive declaration (as this quoted term is defined in the Regulations) shall be prepared, filed and published pursuant to SEQRA, and the Applicant shall be required to prepare an Environmental Impact Statement with respect to such impacts of the Action.

**RESOLUTION #49-18    REVISED**  
**PL #NONE**

By Alderman Witte, Seconded by Alderman Gonzalez

**AUTHORIZING THE TRANSFER OF FUNDS FROM VARIOUS LINE ITEMS OF THE  
2017-2018 BUDGET TO LINE ITEM 1930.513**

**RESOLVED**, that the following transfers be authorized:

<b>Account #</b>	<b>Description- General</b>	<b>Amount Transferred</b>	<b>Transferred to</b>
A-01-3-909.000	General Fund Balance	\$431,986	<b>A-01-5-1930.513</b>
F-06-3-909.000	Water Fund Balance	\$90,676	<b>F-06-5-1930.513</b>
G-07-3-909.000	Sewer Fund Balance	\$64,187	<b>G-07-5-1930.513</b>
	<b>Total Transfer to Judgments and Claims</b>	<b>\$586,849</b>	

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

**RESOLUTION #51-18**  
**PL #50-18**

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

**RESOLUTION AUTHORIZING THE REMOVAL OF FOURTEEN (14) EXISTING LIGHTING FIXTURES  
BY NATIONAL GRID LOCATED ALONG CAROLINA STREET AND BRADLEY DRIVE**

**RESOLVED**, that the Common Council, on behalf of the City of Olean, authorizes the removal of fourteen (14) existing 175w Mercury Vapor Traditional lighting fixtures utilizing City of Olean-owned poles located along Carolina Street (Poles #207, #218, #228, #235, #240) and Bradley Drive (Poles #100, #103, #104, #108, #109, #116, #119, #122, #129); and

**BE IT FURTHER RESOLVED**, that the Common Council, on behalf of the City of Olean, authorizes National Grid to add thirteen (13) 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 East Ohio Street (#106 and #107), East Riverside Drive (Pole #120, #124, #136, #133, and #144), Vermont Street (Pole #484), and Virginia Street (Pole #100, #103, #112, #117, and #120); now

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

**RESOLUTION #52-18**

**PL #51-18**

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

**A BOND RESOLUTION, DATED MAY 8, 2018, OF THE COMMON COUNCIL OF THE CITY OF OLEAN, CATTARAUGUS COUNTY, NEW YORK (THE "CITY"), AUTHORIZING PAYMENT OF A JUDGMENT, AT AN ESTIMATED MAXIMUM COST OF \$500,000 AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$500,000 OF THE CITY, PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE SAID PURPOSE, SAID AMOUNT TO BE OFFSET BY ANY BUDGETARY APPROPRIATIONS OR ANY OTHER FUNDS RECEIVED OR APPLIED, AND DELEGATING THE POWER TO ISSUE BOND ANTICIPATION NOTES IN ANTICIPATION OF THE SALE OF SUCH BONDS TO THE CITY AUDITOR.**

WHEREAS, the Common Council of the City of Olean, in the County of Cattaraugus, New York (the "City") desires to authorize the satisfaction of a judgment (the "Purpose");

NOW, THEREFORE, BE IT RESOLVED, by the Common Council (by the favorable vote of not less than two-thirds of all the members of the Council) as follows:

SECTION 1. The City is hereby authorized to undertake the satisfaction of a judgment involving payment to Concrete Applied Technologies Corporation and all preliminary costs and costs incidental thereto and in connection with the financing thereof (collectively, the "Purpose"). The estimated maximum cost of the Purpose is \$500,000.

SECTION 2. The Common Council plans to finance the estimated maximum cost of said purpose by the issuance of serial bonds in an aggregate principal amount not to exceed \$500,000 of the City, hereby authorized to be issued therefor pursuant to the Local Finance Law, said amount to be offset by any budgetary appropriations or any other funds received or applied. Unless paid from other sources or charges, the cost of such purpose is to be paid by the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

SECTION 3. It is hereby determined that the purpose is an object or purpose described in subdivision 33 of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of the purpose is five years.

SECTION 4. Current funds are not required to be provided prior to the issuance of the bonds authorized by this resolution or any notes issued in anticipation of the sale of said bonds.

SECTION 5. It is hereby determined the proposed maturity of the obligations authorized by this resolution will not be in excess of five years.

SECTION 6. The faith and credit of said City are hereby irrevocably pledged for the payment of the principal of and interest on such bonds (and any bond anticipation notes issued in anticipation of the sale of such bonds) as the same respectively become due and payable. An annual appropriation will be made in each year sufficient to pay the principal of and interest on such bonds or notes becoming due and payable in such year. Unless paid from other sources or charges, there will annually be levied on all the taxable real property of said City a tax sufficient to pay the principal of and interest on such bonds or notes as the same become due and payable.

SECTION 7. Subject to the provisions of this resolution and of the Local Finance Law, and pursuant to the provisions of Section 21.00 relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and of Section 50.00, Sections 56.00 to 60.00, Section 62.00, Section 62.10, Section 63.00, and Section 164.00 of the Local Finance Law, the powers and duties of the Common Council pertaining or incidental to the sale and issuance of the obligations herein authorized, including but not limited to authorizing bond anticipation notes and prescribing the terms, form and contents and details as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said notes, are hereby delegated to the City Auditor, the chief fiscal officer of the City. Without in any way limiting the scope of the foregoing delegation of powers, the City Auditor, to the extent permitted by Section 58.00(f) of the Local Finance Law, is specifically authorized to accept bids submitted in electronic format for any bonds or notes of the City.

SECTION 8. The temporary use of available funds of the City, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Local Finance Law, for the purpose or purposes described in Section 1 of this resolution. The City then reasonably expects to reimburse any such expenditures (to the extent made after the date hereof or within 60 days prior to the earlier of (a) the date hereof or (b) the date of any earlier expression by the City of its intent to reimburse such expenditures) with the proceeds of the bonds authorized by Section 2 of this resolution (or with the proceeds of any bond anticipation notes issued in anticipation of the sale of such bonds). This resolution shall constitute the declaration (or reaffirmation) of the City's "official intent" to reimburse the expenditures authorized by Section 2 hereof with such bond or note proceeds, as required by United States Treasury Regulations Section 1.150-2.

SECTION 9. The City Auditor is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution, and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and may designate the bonds authorized by this resolution, and any notes issued in anticipation thereof, as "qualified tax-exempt bonds" in accordance with Section 265(b)(3) of the Code.

SECTION 10. The City Auditor is further authorized to enter into a continuing disclosure agreement with the initial purchaser of the bonds or notes authorized by this

resolution, containing provisions which are satisfactory to such purchaser in compliance with the provisions of Rule 15c2-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

SECTION 11. The City hereby determines that the Purpose is a Type II action that will not have a significant effect on the environment and, therefore, no other determination or procedures under the State Environmental Quality Review Act ("SEQRA") are required.

SECTION 12. In the absence or unavailability of the City Auditor, the Deputy Auditor is hereby specifically authorized to exercise the powers delegated to the City Auditor in this resolution.

SECTION 13. The validity of said serial bonds or of any bond anticipation notes issued in anticipation of the sale of said serial bonds may be contested only if:

1. (a) such obligations are authorized for an object or purpose for which said City is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within 20 days after the date of such publication; or

2. such obligations are authorized in violation of the provisions of the Constitution of New York.

SECTION 14. The City Clerk is hereby authorized and directed to publish this resolution, or a summary thereof, together with a notice in substantially the form provided by Section 81.00 of said Local Finance Law, in a newspaper having a general circulation in said City and hereby designated as the official newspaper of said City for such publication.

SECTION 15. This Resolution is effective immediately.

### **13. RESOLUTION**