

REGULAR MEETING OF THE COMMON COUNCIL

Tuesday, August 28, 2018

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:

“The Regular Meeting of the Olean Common Council was held on Tuesday, July 24, 2018 at 6:45 p.m.”

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

ABSENT: None

OFFICIALS: Mayor William Aiello; Lens Martial, City Clerk; Fred Saradin, City Auditor; Bob Ring, Director of Public Works; Bob Bell, Fire 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

Monthly Report of the City Auditor – month ended July 2018

9. PROPOSED LEGISLATION & REFERRALS

PL #90-18: (Crawford) To authorize the sale of the City-owned property located at 616 West Henley Street. *Referred to Regular Meeting Tuesday, August 28, 2018 for Resolution by Council President.*

PL #91-18: (Crawford) To authorize the sale of the City-owned property located at 313 South Seventh Street. *Referred to Regular Meeting Tuesday, August 28, 2018 for Resolution by Council President.*

PL #92-18: (Gonzalez) To authorize the sale of the City-owned property located at 128 West Green Street. *Referred to Regular Meeting Tuesday, August 28, 2018 for Resolution by Council President.*

PL #93-18: (Aiello) To authorize the implementation and funding in the first instance 100% of the federal-aid and State “Marchiselli” Program-aid costs of the Olean Pedestrian Crossing Enhancements Project. *Referred to Committee of the Whole Tuesday, August 28, 2018 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 \$1,937,33.13 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

RESOLUTION #92-18

PL #90-18

By Alderman _____, Seconded by Alderman _____

TO AUTHORIZE THE SALE OF 616 WEST HENLEY STREET TO A PRIVATE ENTITY

WHEREAS, on October 25, 2016 the Olean 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, Donald Scholla, Jr. and Janine Scholla, residents and owners (“Owner”) of 614 West Henley Street, have submitted to the Common Council a purchase offer for City owned property (“City Property”) located at 616 West Henley Street; and

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

NOW, THEREFORE, BE IT RESOLVED, that the Common Council declares that the City Property identified as 616 West Henley Street (s/b/l 94.064-13-31) 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 Donald Scholla, Jr. and Janine Scholla, with the condition that the property be demolished and graded within 10 months of conveyance to the resident by the City 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 616 West Henley Street (s/b/l 94.064-13-31) to Donald Scholla, Jr. and Janine Scholla for \$1.00 and the costs of the conveyance, and

BE IT FURTHER RESOLVED, that the City of Olean agrees to have the asbestos removed from the dwelling at such time that the Mayor of the City of Olean, Donald Scholla, Jr. and Janine Scholla execute all necessary documents to convey the property from the City of Olean to Mr. and Mrs. Scholla.

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 within ten months of conveyance to the resident by the City without a duly resolved extension of time authorized by the City, shall cause 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 #93-18

PL #91-18

By Alderman _____, Seconded by Alderman _____

TO AUTHORIZE THE SALE OF 313 SOUTH SEVENTH STREET TO A PRIVATE ENTITY

WHEREAS, on October 25, 2016 the Olean 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, Andrew Holly, resident and owner (“Owner”) of 314 South Seventh Street, has submitted to the Common Council a purchase offer for City owned property (“City Property”) located at 313 South Seventh Street; and

WHEREAS, the City Property is located directly across the street from the property of the Owner and said purchase offer requires resident to adhere to restrictions and covenants as set forth by the City of Olean Common Council;

NOW, THEREFORE, BE IT RESOLVED, that the Common Council declares that the City Property identified as 313 South Seventh Street (s/b/1 94.072-4-48) 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 Andrew Holly, with the condition that the property be used as a vacant green space with no permanent parking , to be maintained in accordance with the City of Olean Code of Ordinances by the Owner 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 313 South Seventh Street (s/b/1 94.072-4-48) to Andrew Holly for \$100.00 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. No structures of any type may be erected on the property without a duly authorized resolution of the Common Council.
2. The property is to be used solely as a green space to include no gravel, pavement, or permanent parking.
3. The Owner will be responsible to maintain the lot in accordance with requirements set forth within the City of Olean Code of Ordinances.

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 #94-18

PL #92-18

By Alderman _____, Seconded by Alderman _____

TO AUTHORIZE THE SALE OF 128 WEST GREEN STREET TO A PRIVATE ENTITY

WHEREAS, on October 25, 2016 the Olean 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, Edward P. King, resident and owner (“Owner”) of 130 West Green Street, has submitted to the Common Council a purchase offer for City owned property (“City Property”) located at 128 West Green Street; and

WHEREAS, the City Property is located adjacent to the property of the Owner and said purchase offer requires resident to adhere to restrictions and covenants as set forth by the City of Olean Common Council;

NOW, THEREFORE, BE IT RESOLVED, that the Common Council declares that the City Property identified as 128 West Green Street (s/b/l 94.073-3-38) 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 Edward P. King, with the condition that no structures of any type be erected on the property without a duly authorized resolution by the Common Council, and the lot to be maintained in accordance with the City of Olean Code of Ordinances by the Owner 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 128 West Green Street (s/b/l 94.073-3-38) to Edward P. King for \$500.00 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. No structures of any type may be erected on the property without a duly authorized resolution of the Common Council.
2. The Owner will be responsible to maintain the lot in accordance with requirements set forth within the City of Olean Code of Ordinances.

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 #96-18

PL #93-18

By Alderman _____, Seconded by Alderman _____

TO AUTHORIZE THE IMPLEMENTATION AND FUNDING IN THE FIRST INSTANCE 100% OF THE FEDERAL-AID AND STATE “MARCHISELLI” PROGRAM-AID ELIGIBLE COSTS OF THE OLEAN PEDESTRIAN CROSSING ENHANCEMENTS PROJECT

WHEREAS, a Project for the Olean Pedestrian Crossing Enhancements, P.I.N. 5762.72 (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 100% Federal funds and 0% non-federal funds;

NOW, THEREFORE, the Common Council of the City of Olean, 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 design work for the Project of portions thereof; and it is further

RESOLVED, that the sum of \$69,000 will hereby be 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 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 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, this Resolution shall take effect immediately.

13. ADJOURNMENT