

REGULAR MEETING OF THE COMMON COUNCIL

Tuesday, September 25, 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, September 11, 2018 at 6:40 p.m.”

PRESENT: Aldermen 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; Bob Ring, Director of Public Works; Bob Bell, Fire Chief, and Tiffany Taylor, Managerial Confidential Administrative Secretary

5. COMMITTEE REPORTS AND UNFINISHED COUNCIL BUSINESS

Report from City Operations Committee on PL #98-18, to authorize the use of Community Development Block Grant Program Income funds for the demolition of 331 North 13th Street. Committee recommends approval. Referred to City Attorney for Resolution.

Report from City Operations Committee on PL #99-18, to authorize the use of Community Development Block Grant Program Income funds for the demolition of 213 West Greene Street. Committee recommends approval. Referred to City Attorney for Resolution.

6. COMMUNICATIONS FROM THE MAYOR

7. MISCELLANEOUS COMMUNICATIONS

8. CITY OFFICIAL REPORTS

Monthly Report of the City Auditor – month ended August 2018

Quarterly Report of the City Auditor – three months ended August 31, 2018

9. PROPOSED LEGISLATION & REFERRALS

PL #100-18: (Aiello) To authorize the use of Community Development Block Grant Program Income for the demolition of 305 North 7th Street. *Referred to Regular Meeting Tuesday, September 25, 2018 for Resolution by Council President.*

PL #101-18: (Aiello) To authorize the use of Community Development Block Grant Program Income for the demolition of 122 East Henley Street. *Referred to Regular Meeting Tuesday, September 25, 2018 for Resolution by Council President.*

PL #102-18: (Aiello) To authorize the transfer of \$25,000 from Sewer Fund to line item G-007-5-8120.301. *Referred to Regular Meeting Tuesday, September 25, 2018 for Resolution by Council President.*

PL #103-18: (Aiello) To authorize the transfer of \$75,000 from Sewer Fund Contingency to line item G-007-5-8120.301. *Referred to Regular Meeting Tuesday, September 25, 2018 for Resolution by Council President.*

PL #104-18: (Aiello) To authorize the use of up to \$140,000 of leftover project funds for the William O. Smith Recreation Center Complex Improvements Project for costs associated with additional projects. *Referred to Committee of the Whole Tuesday, September 25, 2018 by Council President.*

PL #105-18: (Witte) To authorize the installation of a STOP sign and designating that all traffic shall stop before proceeding on Monroe Street at its intersection with Madison Avenue. *Referred to Committee of the Whole Tuesday, September 25, 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 \$1,016,304.17 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 #99-18

PL #95-18

By Alderman _____, Seconded by Alderman _____

TO AUTHORIZE THE INSTALLATION OF A “DO NOT BLOCK DRIVEWAY” SIGN IN THE VICINITY OF 1012-1016 NORTH UNION STREET

RESOLVED, that the City of Olean Code of Ordinances Chapter 24, Section 24-176 is hereby amended to include the following:

In the vicinity of 1012-1016 North Union Street

RESOLVED, that the Common Council authorizes the placement of a “Do Not Block Drive” sign at the above mentioned location.

RESOLVED, that this Resolution is effective immediately.

RESOLUTION #101-18

PL #98-18

By Alderman Witte, Seconded by Alderman George

RESOLUTION ORDERING REMOVAL OF STRUCTURES AT 331 NORTH 13TH STREET, CITY OF OLEAN; TAX MAP ID #94.055-4-44 AND AUTHORIZING USE OF COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM INCOME FOR THE COST OF DEMOLITION AND SITE CLEARING

WHEREAS, on October 27, 2014 in accordance with Olean City Code Section 6-238 the Code Enforcement Officer determined that certain structures situate on premises located at 331 North 13th Street, City of Olean; Tax Map ID #94.055-4-44 constituted a public nuisance and on December 11, 2014 further determined that such structure was in violation of Olean City Code Chapter 12: Housing Code and constituted an “Unfit Dwelling” and on June 16, 2016 the structure on the premises was designated as a Dangerous Building pursuant to Olean City Code Section 6-236 and on March 7, 2018 the Division of Code Enforcement and the Fire Chief determined that the structure could not be repaired to remedy such designations and pursuant to Olean City Code Section 6-237 issued an Order to Demolish; and

WHEREAS, the City of Olean holds title to the premises pursuant to a deed from Cattaraugus County; and

WHEREAS, the Common Council pursuant to the powers granted to it pursuant to Chapter 6, Article V, Section 240 of the Olean City Code and after (1) reviewing the report and recommendations of the Code Enforcement Officer and the Fire Chief; (2) after hearing

testimony of the Fire Chief in regard thereto; and (3) after having duly deliberated upon the merits of the matter, have determined that the structures on the premises warrant removal; and

WHEREAS, the demolition of such structures constitutes a Type II action under the State Environmental Quality Review Act (SEQRA) pursuant to the regulations at 6 NYCRR 617.5 (c) (33); and

WHEREAS, the City of Olean is in possession of program income derived from the use of New York State administered grants through the Community Development Block Grant (CDBG) Program (the “Program Income”); and

WHEREAS, the Program Income is subject to certain rules and regulations promulgated by the United States Department of Housing and Urban Development (hereinafter “HUD”) and the New York State Office of Community Renewal (hereinafter “OCR”) regarding its use; and

WHEREAS, OCR has notified the City of Olean and other recipients of CDBG funds that it is requiring that all Program Income not spent on, or committed to, CDBG-eligible activities by March 31, 2019 be paid to the OCR by April 30, 2019; and

WHEREAS, any use of Program Income prior to March 31, 2019 requires the approval of the OCR; and

WHEREAS, the City of Olean wishes to use the Program Income to pay the cost of demolition and site clearing in connection with the removal of structures located at 331 North 13th Street, City of Olean, which demolition and clearing constitute a CDBG-eligible activity; and

WHEREAS, the City of Olean has held a public hearing to provide information to the public and to consider citizen comments regarding community needs and the proposed use of CDBG Program Income.

NOW, THEREFORE, BE IT RESOLVED, that: (1) the Fire Chief is directed to cause the structures on the premises at 331 North 13th Street, City of Olean; Tax Map ID #94.055-4-44 to be demolished; (2) the City shall submit a request to the OCR for approval to utilize the Program Income to pay the cost of demolition and site clearing and associated administrative expenses, and, subject to receiving such approval, authorizes the use of the Program Income for such purposes; (3) the demolition and clearing activities, and services rendered in connection therewith, shall be conducted in a manner consistent with CDBG regulations and program requirements; and (4) the Mayor is hereby designated as the Environmental Certifying Officer for the purposes of complying with the applicable federal environmental review requirements for the CDBG-funded activities.

RESOLUTION #102-18

PL #99-18

By Alderman Witte, Seconded by Alderman Crawford

RESOLUTION ORDERING THE REMOVAL OF STRUCTURES AT 213 WEST GREENE STREET, CITY OF OLEAN; TAX MAP #94.073-5-18 AND AUTHORIZING USE OF COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM INCOME FOR THE COST OF DEMOLITION AND SITE CLEARING

WHEREAS, on May 12, 2015 in accordance with Olean City Code Sections 6-236 and 6-238 the Code Enforcement Officer determined that certain structures situate on premises located at 213 West Greene Street, City of Olean; Tax Map ID #94.073-5-18 constituted a Dangerous Building and a public nuisance and further determined that such structure was in violation of Olean City Code Chapter 12: Housing Code and constituted an “Unfit Dwelling” and the Division of Code Enforcement and the Fire Chief determined that the structure could not be repaired to remedy such designations and pursuant to Olean City Code Section 6-237 ordered that the structure be demolished; and

WHEREAS, the owner of the premises was notified of such designation and the Order to Demolish but was unable to satisfy the Order to Demolish and has transferred ownership of the premises to City of Olean; and

WHEREAS, the Common Council pursuant to the powers granted to it pursuant to Chapter 6, Article V, Section 240 of the Olean City Code and after (1) reviewing the report and recommendations of the Code Enforcement Officer and the Fire Chief; (2) after hearing testimony of the Fire Chief in regard thereto; and (3) after having duly deliberated upon the merits of the matter, have determined that the structures on the premises warrant removal; and

WHEREAS, the demolition of such structures constitutes a Type II action under the State Environmental Quality Review Act (SEQRA) pursuant to the regulations at 6 NYCRR 617.5 (c) (33); and

WHEREAS, the City of Olean is in possession of program income derived from the use of New York State administered grants through the Community Development Block Grant (CDBG) Program (the “Program Income”); and

WHEREAS, the Program Income is subject to certain rules and regulations promulgated by the United States Department of Housing and Urban Development (hereinafter “HUD”) and the New York State Office of Community Renewal (hereinafter “OCR”) regarding its use; and

WHEREAS, OCR has notified the City of Olean and other recipients of CDBG funds that it is requiring that all Program Income not spent on, or committed to, CDBG-eligible activities by March 31, 2019 be paid to the OCR by April 30, 2019; and

WHEREAS, any use of Program Income prior to March 31, 2019 requires the approval of the OCR; and

WHEREAS, the City of Olean wishes to use the Program Income to pay the cost of demolition and site clearing in connection with the removal of structures located at 213 West Greene Street, City of Olean, which demolition and clearing constitute a CDBG-eligible activity; and

WHEREAS, the City of Olean has held a public hearing to provide information to the public and to consider citizen comments regarding community needs and the proposed use of CDBG Program Income.

NOW, THEREFORE, BE IT RESOLVED, that: (1) the Fire Chief is directed to cause the structures on the premises at 213 West Greene Street, City of Olean; Tax Map ID #94.073-5-18 to be demolished; (2) the City shall submit a request to the OCR for approval to utilize the Program Income to pay the cost of demolition and site clearing and associated administrative expenses, and, subject to receiving such approval, authorizes the use of the Program Income for such purposes; (3) the demolition and clearing activities, and services rendered in connection therewith, shall be conducted in a manner consistent with CDBG regulations and program requirements; and (4) the Mayor is hereby designated as the Environmental Certifying Officer for the purposes of complying with the applicable federal environmental review requirements for the CDBG-funded activities.

RESOLUTION #103-18

PL #100-18

By Alderman _____, Seconded by Alderman _____

RESOLUTION ORDERING REMOVAL OF STRUCTURES AT 305 NORTH 7TH STREET, CITY OF OLEAN; TAX MAP ID #94.056-6-20 AND AUTHORIZING USE OF COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM INCOME FOR THE COST OF DEMOLITION AND SITE CLEARING

WHEREAS, on February 17, 2014 in accordance with Olean City Code Section 6-238 the Code Enforcement Officer determined that certain structures situate on premises located at 305 North 7th Street, City of Olean; Tax Map ID #94.056-6-20 constituted a public nuisance and on October 1, 2015 further determined that such structure was in violation of Olean City Code

Chapter 12: Housing Code and constituted an “Unfit Dwelling” and on March 17, 2016 the Division of Code Enforcement and the Fire Chief determined that the structure could not be repaired to remedy such designations and pursuant to Olean City Code Section 6-237 ordered that the structure be demolished; and

WHEREAS, Cattaraugus County acquired title to the premises through a tax foreclosure and transferred ownership of the premises to the City of Olean; and

WHEREAS, on August 15, 2017 it was further determined in accordance with Olean City Code Section 6-236 that the structure on the premises was a Dangerous Building; and

WHEREAS, the Common Council pursuant to the powers granted to it pursuant to Chapter 6, Article V, Section 240 of the Olean City Code and after (1) reviewing the report and recommendations of the Code Enforcement Officer and the Fire Chief; (2) after hearing testimony of the Fire Chief in regard thereto; and (3) after having duly deliberated upon the merits of the matter, have determined that the structures on the premises warrant removal; and

WHEREAS, the demolition of such structures constitutes a Type II action under the State Environmental Quality Review Act (SEQRA) pursuant to the regulations at 6 NYCRR 617.5 (c) (33); and

WHEREAS, the City of Olean is in possession of program income derived from the use of New York State administered grants through the Community Development Block Grant (CDBG) Program (the “Program Income”); and

WHEREAS, the Program Income is subject to certain rules and regulations promulgated by the United States Department of Housing and Urban Development (hereinafter “HUD”) and the New York State Office of Community Renewal (hereinafter “OCR”) regarding its use; and

WHEREAS, OCR has notified the City of Olean and other recipients of CDBG funds that it is requiring that all Program Income not spent on, or committed to, CDBG-eligible activities by March 31, 2019 be paid to the OCR by April 30, 2019; and

WHEREAS, any use of Program Income prior to March 31, 2019 requires the approval of the OCR; and

WHEREAS, the City of Olean wishes to use the Program Income to pay the cost of demolition and site clearing in connection with the removal of structures located at 305 North 7th Street, City of Olean, which demolition and clearing constitute a CDBG-eligible activity; and

WHEREAS, the City of Olean has held a public hearing to provide information to the public and to consider citizen comments regarding community needs and the proposed use of CDBG Program Income.

NOW, THEREFORE, BE IT RESOLVED, that: (1) the Fire Chief is directed to cause the structures on the premises at 305 North 7th Street, City of Olean; Tax Map ID #94.056-6-20 to be demolished; (2) the City shall submit a request to the OCR for approval to utilize the Program Income to pay the cost of demolition and site clearing and associated administrative expenses, and, subject to receiving such approval, authorizes the use of the Program Income for such purposes; (3) the demolition and clearing activities, and services rendered in connection therewith, shall be conducted in a manner consistent with CDBG regulations and program requirements; and (4) the Mayor is hereby designated as the Environmental Certifying Officer for the purposes of complying with the applicable federal environmental review requirements for the CDBG-funded activities.

RESOLUTION #104-18

PL #101-18

By Alderman _____, Seconded by Alderman _____

RESOLUTION ORDERING THE REMOVAL OF STRUCTURES AT 122 EAST HENLEY STREET, CITY OF OLEAN; TAX MAP ID #94.073-4-6 AND AUTHORIZING THE USE OF COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM INCOME FOR THE COST OF DEMOLITION AND SITE CLEARING

WHEREAS, on August 10, 2012 in accordance with Olean City Code Section 6-238 the Code Enforcement Officer determined that certain structures situate on premises located at 122 East Henley Street, City of Olean; Tax Map ID #94.073-4-6 constituted a public nuisance and on January 2, 2013 further determined that such structure was in violation of Olean City Code Chapter 12: Housing Code and constituted an “Unfit Dwelling” and on May 9, 2016 the Division of Code Enforcement and the Fire Chief determined that the structure could not be repaired to remedy such designations and pursuant to Olean City Code Section 6-237 ordered that the structure be demolished; and

WHEREAS, Cattaraugus County acquired title to the premises through a tax foreclosure and was notified of the Order to Demolish and transferred ownership of the premises to the City of Olean; and

WHEREAS, on March 20, 2017 it was further determined in accordance with Olean City Code Section 6-236 that the structure on the premises was a Dangerous Building; and

WHEREAS, the Common Council pursuant to the powers granted to it pursuant to Chapter 6, Article V, Section 240 of the Olean City Code and after (1) reviewing the report and recommendations of the Code Enforcement Officer and the Fire Chief; (2) after hearing testimony of the Fire Chief in regard thereto; and (3) after having duly deliberated upon the merits of the matter, have determined that the structures on the premises warrant removal; and

WHEREAS, the demolition of such structures constitutes a Type II action under the State Environmental Quality Review Act (SEQRA) pursuant to the regulations at 6 NYCRR 617.5 (c) (33); and

WHEREAS, the City of Olean is in possession of program income derived from the use of New York State administered grants through the Community Development Block Grant (CDBG) Program (the “Program Income”); and

WHEREAS, the Program Income is subject to certain rules and regulations promulgated by the United States Department of Housing and Urban Development (hereinafter “HUD”) and the New York State Office of Community Renewal (hereinafter “OCR”) regarding its use; and

WHEREAS, OCR has notified the City of Olean and other recipients of CDBG funds that it is requiring that all Program Income not spent on, or committed to, CDBG-eligible activities by March 31, 2019 be paid to the OCR by April 30, 2019; and

WHEREAS, any use of Program Income prior to March 31, 2019 requires the approval of the OCR; and

WHEREAS, the City of Olean wishes to use the Program Income to pay the cost of demolition and site clearing in connection with the removal of structures located at 122 East Henley Street, City of Olean, which demolition and clearing constitute a CDBG-eligible activity; and

WHEREAS, the City of Olean has held a public hearing to provide information to the public and to consider citizen comments regarding community needs and the proposed use of CDBG Program Income.

NOW, THEREFORE, BE IT RESOLVED, that: (1) the Fire Chief is directed to cause the structures on the premises at 122 East Henley Street, City of Olean; Tax Map ID #94.073-4-6 to be demolished; (2) the City shall submit a request to the OCR for approval to utilize the Program Income to pay the cost of demolition and site clearing and associated administrative expenses, and, subject to receiving such approval, authorizes the use of the Program Income for such purposes; (3) the demolition and clearing activities, and services rendered in connection

therewith, shall be conducted in a manner consistent with CDBG regulations and program requirements; and (4) the Mayor is hereby designated as the Environmental Certifying Officer for the purposes of complying with the applicable federal environmental review requirements for the CDBG-funded activities.

RESOLUTION #105-18
PL #102-18

By Alderman _____, Seconded by Alderman _____

TO AUTHORIZE THE TRANSFER OF \$25,000 FROM SEWER FUND TO LINE ITEM G-07-5-8120.301

RESOLVED, that the following transfer be authorized:

| Account # | Description- General | Amount Transferred | Transferred to |
|------------------|--|---------------------------|------------------------|
| G-07-3-909.000 | Sewer Fund – Fund Balance | \$25,000 | G-07-5-8120.301 |
| | Total Transfer to G-07-5-8120.301, Capital Outlay | \$25,000 | |

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

RESOLUTION #106-18
PL #103-18

By Alderman _____, Seconded by Alderman _____

**TO AUTHORIZE THE TRANSFER OF \$75,000 FROM SEWER FUND CONTINGENCY TO LINE ITEM
G-07-5-8120.301**

RESOLVED, that the following transfer be authorized:

| Account # | Description- General | Amount Transferred | Transferred to |
|------------------|--|---------------------------|------------------------|
| G-07-5-1990.590 | Sewer Fund Contingency | \$75,000 | G-07-5-8120.301 |
| | Total Transfer to G-07-5-8120.301, Capital Outlay | \$75,000 | |

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

RESOLUTION #107-18

PL #104-18

By Alderman _____, Seconded by Alderman _____

TO AUTHORIZE THE USE OF UP TO \$140,000 OF LEFTOVER PROJECT FUNDS FOR THE WILLIAM O. SMITH RECREATION CENTER COMPLEX IMPROVEMENTS PROJECT FOR COSTS ASSOCIATED WITH ADDITIONAL PROJECTS

WHEREAS, the City of Olean Common Council approved a Bond Resolution on April 26, 2016 for the William O. Smith Recreation Center Complex Improvements Project, which was amended and restated on May 9, 2017; and

WHEREAS, various projects including improvements to bleacher stairs, replacement of front entrance doors, the building of a concession stand, and replacement of an electrical service, have been found upon further inspection and the City is desirous to complete additional work prior to the end of the Project; and

WHEREAS, no additional funding from the City is required for the project at this time, only consent to use contingency built into the original project funding;

BE IT RESOLVED, that the Common Council authorizes the use of up to \$140,000 of project funds for the William O. Smith Recreation Center Complex Improvements Project for costs associated with additional projects.

RESOLVED, if additional funding is necessary for said project, either from project contingency or other sources, the Director of Public Works will be required to approach the Council for additional discussion.

RESOLVED, that this Resolution is effective immediately.

RESOLUTION #108-18

PL #105-18

By Alderman _____, Seconded by Alderman _____

TO AUTHORIZE THE INSTALLATION OF A “STOP” SIGN ON MONROE STREET AT ITS INTERSECTION WITH MADISON AVENUE, AND TO DESIGNATE THAT ALL TRAFFIC SHALL STOP BEFORE PROCEEDING

RESOLVED, that a permanent “STOP” sign shall be installed on Monroe Street at its intersection with Madison Avenue.

IT IS FURTHER RESOLVED, that this Resolution is effective immediately.

13. ADJOURNMENT