

# **REGULAR MEETING OF THE COMMON COUNCIL**

**Tuesday, February 12, 2019 – 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 22, 2019 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; Bob Bell, Fire Chief; 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 #09-19, that the Common Council as Lead Agency concludes that the proposed City of Olean Allegany River Wastewater Syphon Study is a Type II Action and that after full review of the Environmental Assessment Form determines that the project will have no adverse environmental impact and thus declares a Negative Declaration. Committee recommends approval. Referred to City Attorney for Resolution.

Report from Strategic Planning Committee on PL #10-19, to authorize the Mayor to sign and execute a Grant Agreement with the New York State Environmental Facilities Corporation under the Engineering Planning Grant Program (EPG) for the City of Olean Allegany River Wastewater Syphon Study, and to authorize the commitment of \$6,000 of funding from the 2018-2019 Sewer Fund budget for the local match required for said Grant Agreement. Committee recommends approval, as amended. Referred to City Attorney for Resolution.

## **6. COMMUNICATIONS FROM THE MAYOR**

## **7. MISCELLANEOUS COMMUNICATIONS**

Application for a Liquor License – Ellman Management Company, LLC (Granny’s Verona) – 323 Main Street, Olean

Application for a Liquor License – Fossy’s Parkwood, LLC (Parkwood) – 659 East State Street, Olean

Liquor License Class Change – Main Street of Olean, LLC (Broken Wing Pizzeria & Grille) – 313 Main Street, Olean

## **8. CITY OFFICIAL REPORTS**

## **9. PROPOSED LEGISLATION & REFERRALS**

PL #12-19: (Dougherty) To authorize the use of the concrete subway located at 117 South 4<sup>th</sup> Street in the City of Olean for parking by the property owner. *Referred to Committee of the Whole Tuesday, February 12, 2019 by Council President.*

PL #13-19: (Aiello) That the Common Council as Lead Agency declares the Trailhead Parklet Project an Unlisted Action and determines the project will have no significant impact on the environment. *Referred to Committee of the Whole Tuesday, February 12, 2019 by Council President.*

PL #14-19: (Aiello) To authorize the Mayor to purchase one (1) Lot K Bus from Matthews Bus Alliance, Inc. d/b/a Matthews Buses Commercial. *Referred to Committee of the Whole Tuesday, February 12, 2019 by Council President.*

PL #15-19: (Aiello) To establish four permanent part time Special Patrol Officer positions. *Referred to Committee of the Whole Tuesday, February 12, 2019 by Council President.*

PL #16-19: (Aiello) To amend the City of Olean Code of Ordinances Chapter 12 to include Article VI, Section 12-126, Property Maintenance Code (IPMC) of the New York State Uniform Fire Prevention and Building Code by reference. *Referred to Committee of the Whole Tuesday, February 12, 2019 by Council President.*

PL #17-19: (Crawford) To order the removal of the structures located at 329 North Fifth Street, City of Olean; Tax Map ID #94.056-8-29. *Referred to Regular Meeting Tuesday, February 12, 2019 for Resolution by Council President.*

PL #18-19: (Witte) To authorize the installation of a street light on National Grid pole #NM4 on Second Avenue. *Referred to Committee of the Whole Tuesday, February 12, 2019 by Council President.*

PL #19-19: (George) To authorize the installation of street lights on National Grid poles #NG11 and #NG14 on River Street. *Referred to Committee of the Whole Tuesday, February 12, 2019 by Council President.*

PL #20-19: (Aiello) To declare the City of Olean a Charter for Compassion City. *Referred to Strategic Planning Committee by Council President.*

PL #21-19: (Aiello) To award the Three Downtown Farmers' Market Project Contracts to the Lowest Responsible bidder. *Referred to Committee of the Whole Tuesday, February 12, 2019 by Council President.*

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

## **11. FINANCE / BILLS**

## **12. RESOLUTIONS.**

### **RESOLUTION #02-19**

### **PL #04-19**

By Alderman Witte, Seconded by Alderman Smith

#### **TO AUTHORIZE THE SUBDIVISION OF A PARCEL LOCATED AT 1404 BUFFALO STREET IN ACCORDANCE WITH CHAPTER 22, ARTICLE III OF THE CITY OF OLEAN CODE OF ORDINANCES**

**WHEREAS**, an application has been made pursuant to the provisions of Chapter 22, Article III of the City of Olean Code of Ordinances for the approval of a Final Plat of Subdivision to subdivide one lot into three lots associated with the construction of a hotel and further future development of lands owned by HK Olean Hotel, LLC, located at 1404 Buffalo Street; and

**WHEREAS**, the Common Council has received a short Environmental Assessment Form ("EAF") for the project with Part I completed by the applicant; and

**WHEREAS**, the State Environmental Quality Review Act (SEQRA) regulations found at 6 NYCRR Part 617.3(a) require that no agency shall carry out, fund, or approve an action until it has complied with the requirements of SEQRA; and

**WHEREAS**, 6 NYCRR 617.6(a) requires that when an agency receives an application for approval of an action it must: (1) determine whether the action is subject to SEQRA, (2) determine whether the action involves a federal agency, (3) determine whether other agencies are involved, (4) make a preliminary classification of the action, (5) determine whether a short or full EAF will be used to determine the significance of the action, and (6) determine whether the action is located in an Agricultural District; and

**WHEREAS**, the SEQR regulations indicate at 6 NYCRR 617(b)(4) indicate that for uncoordinated review of an Unlisted Action the agency conducting the review may proceed as if it were the only involved agency; and

**WHEREAS**, the Common Council has independently considered the information provided in the EAF; and

**WHEREAS**, the Common Council hereby determines that: (1) the proposed action constitutes and action that is subject to SEQR; (2) the proposed action is appropriately classified as an Unlisted Action; and (3) a short EAF is adequate for determining the significance of the proposed action; and

**WHEREAS**, the Common Council hereby declares that it is Lead Agency with respect to SEQRA review of the proposed subdivision; and

**WHEREAS**, based on its review of the project, the EAF, and comparison with the Criteria for Determining Significance found at 5 NYCRR Part 617.7(c), the Common Council hereby finds that approval of the HK Olean Hotel, LLC subdivision constitutes an action which will not have a significant adverse impact on the environment and, therefore, does not require preparation of a Draft Environmental Impact Statement; and

**WHEREAS**, the Council's determination of significance shall declare a Negative Declaration made pursuant to Article 8 of the Environmental Conservation Law; and

**WHEREAS**, the Olean Common Council has thoroughly reviewed the preliminary plat for the HK Olean Hotel, LLC Subdivision as submitted to divide an approximately 5.8 acre parcel into three parcels consisting of approximately 2.38 acres, approximately 1.56 acres, and approximately 1.88 acres; and

**WHEREAS**, the Common Council, upon review, has found that the requested subdivision complies with all City of Olean Zoning requirements; and

**WHEREAS**, a public hearing was held on Tuesday, February 12, 2019 at 6:15 p.m. after notice as required by Section 22-42, subparagraph (f) of the City of Olean Code of Ordinances, comments of which the Common Council has taken into consideration while determining the appropriate course of action;

**NOW, THEREFORE, BE IT RESOLVED**, by the Common Council of the City of Olean that the Final Plat of the Subdivision of lands owned by HK Olean Hotel, LLC, located at 1404 Buffalo Street, Olean, is hereby approved, subject to the condition that the Final Plat of Subdivision substantially conform to the Preliminary Plat of Subdivision prepared by D. Michael Canada as submitted to the Common Council on January 3, 2019.

**BE IT FURTHER RESOLVED**, that this resolution shall be in full force and effect from and after its adoption in the manner provided by law.

**RESOLUTION #08-19**

**PL #03-19**

By Alderman Crawford, Seconded by Alderman Gonzalez

**TO AMEND THE CITY OF OLEAN CODE OF ORDINANCES SECTION 24-134 TO INCLUDE WINTERS AVENUE, WEST, BETWEEN WASHINGTON STREET AND SULLIVAN STREET, AND TO AUTHORIZE THE INSTALLATION OF “NO PARKING” SIGNS ON THE WEST SIDE OF WINTERS AVENUE**

**RESOLVED**, that Chapter 24, Article IV, Division 2, Section 24-134 of the Code of Ordinances of the City of Olean, New York is amended to include the following:

Sec. 24-134 Prohibited at all times.

When signs are erected giving notice thereof, it shall be unlawful for any person to park a vehicle at any time upon any of the following streets:

<b>Street</b>	<b>Side</b>	<b>Extent</b>
Winters Avenue	West	Between Washington Street and Sullivan Street

**RESOLVED**, that this Resolution shall be effective immediately.

**RESOLUTION #09-19**

**PL #12-19**

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

**TO AUTHORIZE THE USE OF THE CONCRETE SUBWAY LOCATED AT 117 SOUTH 4<sup>TH</sup> STREET IN THE CITY OF OLEAN FOR PARKING BY THE PROPERTY OWNER**

**WHEREAS**, the owner of the property located at 117 South 4<sup>th</sup> Street, Olean has made a request to the Common Council of the City of Olean to utilize the concrete subway in front of the business for parking of three vehicles;

**NOW, THEREFORE, BE IT RESOLVED**, that the Common Council of the City of Olean authorizes the use of the concrete subway located at 117 South 4<sup>th</sup> Street in the City of Olean for the parking of three vehicles by Premo Limousine Service of WNY.

**RESOLVED**, that the authorization shall continue so long as the property remains a commercial premises.

**RESOLVED**, that this Resolution is effective immediately.

**RESOLUTION #10-19**

**PL #13-19**

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

**THAT THE COMMON COUNCIL AS LEAD AGENCY DECLARES THE TRAILHEAD PARKLET PROJECT AN UNLISTED ACTION AND DETERMINES THAT THE PROJECT WILL HAVE NO SIGNIFICANT IMPACT ON THE ENVIRONMENT**

**WHEREAS**, the Trailhead Parklet Project has received grant funding from KaBOOM! And the Ralph C. Wilson, Jr. Foundation; and

**WHEREAS**, in accordance with the New York State Environmental Quality Review Act (SEQRA) regulations the Common Council has declared itself Lead Agency and it has been determined that this project is an Unlisted Action;

**NOW, THEREFORE, BE IT RESOLVED**, upon review of the Environmental Assessment Form prepared for the project the Common Council determines that the project will have no significant impact on the environment and thus issues a Negative Declaration.

**BE IT FURTHER RESOLVED**, that this Resolution takes effect immediately.

**RESOLUTION #11-19**

**PL #14-19**

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

**TO AUTHORIZE THE MAYOR TO SIGN AGREEMENTS BETWEEN THE CITY OF OLEAN AND THE STATE OF NEW YORK IN CONNECTION WITH THE CONSOLIDATED SECTION 5311 PROGRAM FUNDS, OMNIBUS PROGRAM FUNDS AND ACCELERATED TRANSIT CAPITAL PROGRAM FUNDS FOR THE PURCHASE OF ONE LOT K BUS FOR THE OLEAN AREA TRANSIT SYSTEM**

**WHEREAS**, the City of Olean submitted requests for grant funds to the New York State Department of Transportation (NYSDOT), for a project relating to public mass transportation service [purchase one Lot K bus] for the Olean Area Transit System; and

**WHEREAS**, the City of Olean was awarded the following:

FTA 5311:	PIN 5796.13.301	\$102,740
Omnibus:	PIN 576.13.301	\$12,842.50
2017 ATC:	PIN 5842.66.301	\$15,505
2018 ATC:	PIN C004115	\$1,443.37

For a total of \$132,530.87 in said funding by NYSDOT; and

**WHEREAS**, the City of Olean and the State of New York are entering into contract agreements which authorizes the undertaking of the project and acceptance of said grant funds; and

**WHEREAS**, the contract and associated payment for the bus are conditioned upon the vendor Matthews Bus Alliance d/b/a Matthews Buses Commercial complying with the terms and conditions of the Olean Provider Agreement;

**BE IT RESOLVED**, that the Mayor of the City of Olean is authorized to sign any contracts and/or agreements between the City of Olean, NYSDOT, Matthews Bus Alliance d/b/a Matthews Buses Commercial and any third party subcontractor and/or vendor necessary to complete the public transportation project, subject to approval by the City of Olean Attorney.

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

**RESOLUTION #12-19**

**PL #15-19**

By Alderman \_\_\_\_\_ . Seconded by Alderman \_\_\_\_\_

**TO ESTABLISH FOUR PERMANENT PART TIME SPECIAL PATROL OFFICER POSITIONS**

**WHEREAS**, the City of Olean, in conjunction with the Olean City School District, has placed Special Patrol Officers in the City's elementary schools; and

**WHEREAS**, Civil Service requires that new positions be formally established by the Olean Common Council;

**RESOLVED**, that the Olean Common Council hereby establishes four permanent part time Special Patrol Officer Positions.

**RESOLVED**, that this Resolution is effective immediately.

**RESOLUTION #14-19**

**PL #17-19**

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

**RESOLUTION ORDERING REMOVAL OF STRUCTURES LOCATED AT:  
329 NORTH FIFTH STREET, CITY OF OLEAN; TAX MAP ID # 94.056-8-29**

**WHEREAS**, in accordance with Olean City Code Section 6-240 the Fire Chief has filed his report in writing with the Common Council containing his findings and recommendations regarding certain structures situate on the premises located at 329 North Fifth Street, City of Olean; Tax Map ID # 94.056-8-29; which report states his opinion that said structures are unsafe, dangerous, and a nuisance to the public and recommends their immediate removal; 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 said report; (2) after hearing testimony from 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,

**NOW, THEREFORE, BE IT RESOLVED**, that: (1) the record owner of the premises is given thirty days from the date of this Resolution to demolish the building(s) located on the premises at 329 North Fifth Street, City of Olean; Tax Map ID #94.056-8-29, (2) if demolition does not occur prior to the expiration of the thirty day period, the Fire Chief is directed to cause the structures on the premises located at 329 North Fifth Street, City of Olean; Tax Map ID #94.056-8-29 to be immediately demolished; (2) That the record reflects that on November 21, 2019, Code Enforcement Officer Edward Jennings served an order to remedy on Everything is Awesome, LLC, 823 Oneonta Drive, Los Angeles, California, 90065, the property owner of record; (3) That the order to remedy or demolish the property at the records owners own expense was to have occurred within 30 days of the service of the owner and to date no action to remedy or demolish has been taken by the record owner; (4) (a) the costs of such demolition shall be charged as an expense against the land on which such building or structure is located secured by a lien filing in the office of the Cattaraugus County Clerk in the amount of the demolition, and (b) the City may commence a special proceeding to collect the costs of said demolition including reasonable and necessary legal expenses incidental to this order to demolish pursuant to New York State General Municipal Law Section 78-b.

**RESOLVED**, that this Resolution shall be effective immediately.

**RESOLUTION #15-19**

**PL #09-19**

By Alderman Gonzalez, Seconded by Alderman Dougherty

**THAT THE COMMON COUNCIL AS LEAD AGENCY CONCLUDES THAT THE PROPOSED CITY OF OLEAN ALLEGANY RIVER WASTEWATER SYPHON STUDY IS A TYPE II ACTION AND THAT AFTER FULL REVIEW OF THE ENVIRONMENTAL ASSESSMENT FORM DETERMINES THAT THE PROJECT WILL HAVE NO ADVERSE ENVIRONMENTAL IMPACT AND THUS DECLARES A NEGATIVE DECLARATION**

**WHEREAS**, the City of Olean is desirous of undertaking an Allegany River Wastewater Syphon Study; and

**WHEREAS**, such project requires SEQR review prior to formal consideration by the Common Council; and

**WHEREAS**, said project qualifies as a Type II Action under SEQRA regulations; and

**WHEREAS**, the Common Council, in its capacity as Lead Agency, has caused to be prepared an environmental assessment of the significance of a potential environmental impact of the action described above; and

**WHEREAS**, it has been determined through findings of the Environmental Assessment Form that the proposed project will have no significant impact(s) on the environment;

**NOW, THEREFORE, BE IT RESOLVED**, that the City of Olean Common Council declares itself Lead Agency for this project and for the purposes of SEQRA.

**BE IT FURTHER RESOLVED**, that the Common Council, as Lead Agency, concludes that the proposed Allegany River Wastewater Syphon Study is a Type II Action and that after full review of the Environmental Assessment Form determines that the project will have no adverse environmental impact and thus issues a Negative Declaration.

**RESOLVED**, that this Resolution is effective immediately.

**RESOLUTION #16-19**

**PL #10-19**

By Alderman Witte, Seconded by Alderman Dougherty

**TO AUTHORIZE THE MAYOR TO SIGN AND EXECUTE A GRANT AGREEMENT WITH THE NEW YORK STATE ENVIRONMENTAL FACILITIES CORPORATION UNDER THE ENGINEERING PLANNING GRANT PROGRAM (EPG) FOR THE CITY OF OLEAN ALLEGANY RIVER WASTEWATER SYPHON STUDY, AND TO AUTHORIZE THE COMMITMENT OF \$6,000 OF FUNDING FROM THE 2018-2019 SEWER FUND BUDGET FOR THE LOCAL MATCH REQUIRED FOR SAID GRANT AGREEMENT**

**WHEREAS**, the City of Olean is desirous of undertaking an Allegany River Wastewater Syphon Study; and

**WHEREAS**, the Common Council of the City of Olean, as Lead Agency, has concluded that the proposed Allegany River Wastewater Syphon Study is a Type II Action and after full review of the Environmental Assessment Form has determined that the project will have no adverse environmental impact and has thus declared a Negative Declaration; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor of the City of Olean is authorized to execute a Grant Agreement with the New York State Environmental Facilities Corporation for the Allegany River Wastewater Syphon Study and any and all other contracts, documents, and instruments necessary to bring about the project and to fulfill the City of Olean's obligations under the Grant Agreement.

**RESOLVED**, that the Common Council of the City of Olean authorizes and appropriates a minimum twenty percent (20%) local match as required by the Engineering Planning Grant Program for the Allegany River Wastewater Syphon Study (20% of the EPG grant award of \$30,000).

**RESOLVED**, that the source for the local match and any amount in excess of the required match shall be provided for from the 2018-2019 Sewer Fund budget, the maximum local match not to exceed \$6,000 based upon a total estimated maximum project cost of \$36,000.

**RESOLVED**, that the Director of Public Works may increase this local match through the use of in kind services without further approval from the Common Council.

**RESOLVED**, that this Resolution is effective immediately.

**RESOLUTION #17-19**

**PL #18-19**

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

**AUTHORIZING THE INSTALLATION OF A STREET LIGHT ON  
NATIONAL GRID POLE #NM4 ON SECOND AVENUE**

**WHEREAS**, the public safety, health and welfare of the citizens of the City of Olean would be served if a street light be installed on National Grid pole #NM4 on Second Avenue,

**RESOLVED**, that the Common Council of the City of Olean directs that an LED Type C (48-w) street light be installed on National Grid pole #NM4 on Second Avenue, to be billed to the City's SC-2 energy bill.

**RESOLVED**, that this Resolution will be effective immediately.

**RESOLUTION #18-19**

**PL #19-19**

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

**AUTHORIZING THE INSTALLATION OF STREET LIGHTS ON  
NATIONAL GRID POLES #NG11 AND #NG14 ON RIVER STREET**

**WHEREAS**, the public safety, health and welfare of the citizens of the City of Olean would be served if street lights be installed on National Grid poles #NG11 and #NG14 on River Street,

**RESOLVED**, that the Common Council of the City of Olean directs that LED Type C (48-w) street lights be installed on National Grid poles #NM11 and #NM14 on River Street, to be billed to the City's SC-2 energy bill.

**RESOLVED**, that this Resolution will be effective immediately.

**RESOLUTION #20-19**

**PL #21-19**

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

**TO AWARD THE THREE DOWNTOWN FARMERS' MARKET PROJECT CONTRACTS  
TO THE LOWEST RESPONSIBLE BIDDER**

**WHEREAS**, the Common Council desires to undertake the construction of a new Downtown Farmers' Market structure in Lincoln Park. The structures include an open air market arcade wings and a central seasonal restroom facility and a bistro; and

**WHEREAS**, the City of Olean has received assistance in the amount of \$600,000 from Senator Catharine Young; \$220,000 from Empire State Development; and \$200,000 from Cattaraugus County; the City of Olean will provide \$230,000 to the project; and

**WHEREAS**, the City of Olean requested bids for the general construction, electrical and plumbing for the Downtown Farmers' Market structure and restrooms at Lincoln Park; and

**WHEREAS**, upon full review of said bids, the City is desirous of awarding the three Downtown Farmers' Market contracts to the lowest responsible bidders; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Common Council awards the three Downtown Farmers' Market contracts to:

General Contract to Kinley Corporation, for an amount not to exceed \$930,805 to include add alternates No. 1 and 2;

Plumbing contract to Ciancio Plumbing for an amount not to exceed \$28,842; and

Electrical contract to Kel-Kur Electric for an amount not to exceed \$102,010, to include add alternates No.1.

**BE IT FURTHER RESOLVED**, that the Mayor is hereby authorized to sign any pertinent contracts, documents and instruments associated with the aforementioned Project, subject to the approval of the City Attorney.

**RESOLVED**, that this Resolution is effective immediately.

**13. ADJOURNMENT**