

# **REGULAR MEETING OF THE COMMON COUNCIL**

**Tuesday, April 9, 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, April 26, 2019 at 6:55 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; 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 Committee of the Whole on PL #24-19, to establish the City of Olean Sidewalk Rebate Program. Committee recommends approval. Referred to City Attorney for Resolution.

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

Special Proclamation for Fair Housing Month

## **7. MISCELLANEOUS COMMUNICATIONS**

Application for a Liquor License – Olean Hospitality Group, Inc. (The Old Library Restaurant) – 116 South Union Street, Olean

## **8. CITY OFFICIAL REPORTS**

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

PL #27-19: (Smith) To order the removal of structures located at 412-R North Thirteenth Street, City of Olean. *Referred to Committee of the Whole Tuesday, April 9, 2019 by Council President.*

PL #28-19: (George) To authorize the installation of a “Do Not Block Drive” sign in the vicinity of 922-924 North Union Street. *Referred to Committee of the Whole Tuesday, April 9, 2019 by Council President.*

PL #29-19: (Aiello) Budget 2019-2020. *Referred to Committee of the Whole Tuesday, April 9, 2019 by Council President.*

PL #30-19: (Aiello) To authorize the closing of nine (9) Capital Funds, and to authorize the transfer of funds associated with said closings. *Referred to Regular Meeting Tuesday, April 9, 2019 for Resolution by Council President.*

PL #31-19: (Aiello) To authorize the removal of four (4) existing lighting fixtures by National Grid located along South Street. *Referred to Committee of the Whole Tuesday, April 9, 2019 by Council President.*

PL #32-19: (George) To authorize the conveyance of an easement to the owners of 794 North Union Street. *Referred to City Operations Committee by Council President.*

PL #33-19: (Crawford) To authorize the transfer of \$17,500 from A-01-5-4068.455, Insect Control, to Capital Fund #150, Sidewalk Replacement. *Referred to Committee of the Whole Tuesday, April 9, 2019 by Council President.*

PL #34-19: (Dougherty) To grant Sunny Olean, LLC permission (pursuant to Olean City Code of Ordinances Section 27-7) to install an open loop geothermal water well at the premises located at 106-116 West State Street, Olean. *Referred to Strategic Planning Committee by Council President.*

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

## **11. FINANCE / BILLS**

## **12. RESOLUTIONS**

### **RESOLUTION #26-19**

### **PL #27-19**

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

### **RESOLUTION ORDERING REMOVAL OF STRUCTURES LOCATED AT: 412-R THIRTEENTH STREET N., CITY OF OLEAN; TAX MAP ID # 94.056-2-3**

**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 # 94.056-2-3; 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 Fire Chief is immediately directed to cause the structures on the premises located at 412-R Thirteenth Street N., City of Olean; Tax Map ID #94.056-2-3 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 Arnold E. Simmons, 1507 West State Street #2, Olean, New York 14760, 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 #27-19**

**PL #28-19**

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 922-924 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 #28-19**

**PL #24-19**

By Alderman Crawford, seconded by Alderman Dougherty

**TO ESTABLISH THE CITY OF OLEAN SIDEWALK REBATE PROGRAM**

**WHEREAS**, the City of Olean Common Council has earmarked funding in Capital Fund #150 for the purpose of a rebate program to aid in the improvement and enhancement of the safety, walking conditions and ADA compliance of sidewalks throughout the City's residential neighborhoods;

**BE IT RESOLVED THAT** the City of Olean Common Council hereby establishes the Sidewalk Rebate Program to provide financial assistance in the form of a rebate based on the square footage of concrete sidewalk replaced by the property owner.

**RESOLVED**, that the following provisions shall apply to said City of Olean Sidewalk Rebate Program:

- Applicant must maintain property as their primary residence;
- Subject property must be an owner occupied, single-family dwelling unit or duplex (non-owner occupied dwelling units and non-owner occupied properties are ineligible for the program);
- A rebate of \$6.00 per square foot is available for the mainline sidewalk for residential properties with a \$1,000 cap per property (driveway aprons and approach sidewalks are ineligible for this program);
- A permit will be required for sidewalk replacement; however, DPW permit fees will be waived for program participants;
- All concrete work must be done by a licensed contractor of the homeowner in accordance with City of Olean specifications;
- Eligible sidewalks include those that are heaved or sunk, cracked or broken, or are not in compliance with ADA regulations as determined by the Department of Public Works. (sidewalks replaced for cosmetic purposes only are ineligible for this program);
- An application (available in the Department of Public Works) must be completed and submitted to the Department of Public Works by the property owner.
- DPW inspection and approval of the application is required prior to the commencement of the project in order for the project to be eligible for the rebate.
- A post-construction inspection will be performed prior to release of funding;
- Priority will be given to applicants who have been notified by the Department of Public Works that their sidewalk is in need of replacement;
- The Director of Public Works shall have the authority to promulgate any additional rules and regulations in furtherance of the delivery of this program.

**RESOLVED**, that this Resolution shall take effect immediately.

**RESOLUTION #30-19**

**PL #30-19**

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

To authorize the closing of nine (9) Capital Funds, and to authorize the transfer of funds associated with said closings

**RESOLVED**, that the transfer of \$4,717.79 is authorized from A-01-5-1990.590 (General Fund Contingency) to A-01-9955.550 (Transfer to Capital Projects).

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

<b>Account #</b>	<b>Description- General</b>	<b>Amount Transferred</b>	<b>Transferred from</b>
CF #101	City Alarm	(8,988.05)	
CF #132	Parking Lot Maintenance	19,244.00	
CF #159	Recreation Center	8,179.00	
	Brownfield Opportunity Areas		
CF #162	Program	(3,220.00)	
CF #165	Bradner Stadium Project	(21,520.00)	
CF #168	Homer Street Playground	(500.00)	
	York Street / Prospect Avenue		
CF #171	Paving	8,690.00	
CF #172	Purchase of Ladder Truck	(11,283.00)	
	John J. Ash Building – Floor		
CF #182	Replacement	4,680.00	
A-01-5-9955.550	<b>General Fund Transfer to Capital Projects</b>		<b>4,717.79</b>

**RESOLVED**, that the following Capital Funds are to be closed by the City Auditor: Capital Funds 101, 132, 159, 162, 165, 168, 171, 172, and 182.

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

**RESOLUTION #31-19**

**PL #31-19**

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

**TO AUTHORIZE THE REMOVAL OF FOUR (4) EXISTING LIGHTING FIXTURES BY NATIONAL GRID  
LOCATED ALONG SOUTH STREET**

**RESOLVED**, that the Common Council, on behalf of the City of Olean, authorizes the removal of four (4) existing 250w street lighting fixtures utilizing City of Olean-owned poles located along South Street (Poles #1, #2, #3, #4); and

**BE IT FURTHER RESOLVED**, that the Common Council, on behalf of the City of Olean, authorizes National Grid to remove four (4) 250w street lighting from the existing City of Olean inventory.

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

**RESOLUTION #32-19**

**PL #33-19**

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

**TO AUTHORIZE THE TRANSFER OF \$17,500 FROM INSECT CONTROL TO CAPITAL FUND #150,  
SIDEWALK REPLACEMENT**

**RESOLVED**, that the Common Council authorizes the transfer of \$17,500 from Insect Control – Miscellaneous Fees for Service (A-01-5-4068.455) to Capital Fund #150, Sidewalk Replacement, for the City of Olean Sidewalk Rebate Program.

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

**13. ADJOURNMENT**