

# **REGULAR MEETING OF THE COMMON COUNCIL**

**Tuesday, May 28, 2019**

**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, May 14, 2019 at 6:35 p.m.”

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

ABSENT: Aldermen Crawford and Witte

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 Committee of the Whole on PL #27-19, to order the removal of structures located at 412-R North Thirteenth Street, City of Olean. Committee recommends approval. Referred to City Attorney for Resolution.

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

## **7. MISCELLANEOUS COMMUNICATIONS**

## **8. CITY OFFICIAL REPORTS**

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

PL #45-19: (Aiello) To authorize the Mayor to sign an Easement between the City of Olean and NYSEG. *Referred to Committee of the Whole Tuesday, May 28, 2019 by Council President.*

PL #46-19: (Aiello) To authorize the transfer of Contingency funding from the 2018-2019 budget to various line items and Capital Projects. *Referred to Regular Meeting Tuesday, May 28, 2019 for Resolution by Council President.*

PL #47-19: (Andreano) To amend the City of Olean Code of Ordinances Section 24-134 to prohibit parking and standing on the South side of East Spring Street from Front Street to Alder Street. *Referred to Regular Meeting Tuesday, June 11, 2019 for Resolution by Council President.*

PL #48-19: (Andreano) To authorize the removal of a tree located at 1015 Seneca Street by the property owner, with the condition that the property owner also repair or replace the sidewalk abutting the tree. *Referred to Regular Meeting Tuesday, May 28, 2019 for Resolution 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 \$1,691,681.04 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 #26-19**

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

By Alderman Witte, Seconded by Alderman Gonzalez

#### **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 the Common Council authorizes the award of said demolition to the lowest responsible bidder, Empire Building Diagnostics, Inc., for a cost not to exceed \$23,720.

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

**RESOLUTION #45-19**

**PL #45-19**

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

**TO AUTHORIZE THE MAYOR TO SIGN AN EASEMENT BETWEEN THE CITY OF OLEAN AND NYSEG**

**WHEREAS**, in association with the Whitney Avenue Parklet Project, NYSEG has requested that the City of Olean enter into an easement for NYSEG's gas lines along the Whitney Avenue property;

**RESOLVED**, that the Common Council authorizes the Mayor to sign an easement between the City of Olean and NYSEG for the Whitney Avenue property.

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

**RESOLUTION #46-19**

**PL #46-19**

By Alderman Crawford, Seconded by Alderman Dougherty

**RESOLUTION AUTHORIZING THE TRANSFER OF FUNDS FROM GENERAL FUND CONTINGENCY  
TO VARIOUS LINE ITEMS**

**WHEREAS**, the Common Council has determined the best use for remaining 2018-2019 Contingency is for the following:

- To purchase two police vehicles;
- To fund one third of the cost to purchase a forklift;
- To purchase a new license plate reader for the Police Department;
- To contribute to the Capital Fund for a future property revaluation;
- To contribute to the Capital Fund for the Sidewalk Rebate Program;
- To purchase body cameras for the Police Department; and
- To upgrade traffic signals.

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

<i>Account #</i>	<i>Description – General</i>	<i>Transferred From</i>	<i>Transferred to</i>
<i>A-01-5-1990.590</i>	<i>General Fund Contingency</i>	<i>\$185,282</i>	
<i>F-06-5-1990.590</i>	<i>Water Fund Contingency</i>	<i>\$12,500</i>	
<i>Capital Fund #102</i>	<i>Vehicle Replacement Fund</i>		<i>\$105,000</i>
<i>Capital Fund #103</i>	<i>Police Equipment</i>		<i>\$12,000</i>
<i>Capital Fund #170</i>	<i>Property Revaluation</i>		<i>\$25,000</i>
<i>Capital Fund #150</i>	<i>Sidewalks</i>		<i>\$4,282</i>
<i>A01-5-3120.260</i>	<i>Police Body Cameras</i>		<i>\$38,000</i>
<i>A01-5-1690.424</i>	<i>Traffic Signals</i>		<i>\$13,500</i>

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

**RESOLUTION #47-19**

**PL #48-19**

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

**TO AUTHORIZED THE REMOVAL OF A TREE LOCATED AT 1015 SENECA STREET BY THE  
PROPERTY OWNER, WITH THE CONDITION THAT THE PROPERTY OWNER ALSO REPAIR OR  
REPLACE THE SIDEWALK ABUTTING THE TREE**

**RESOLVED**, that the Common Council authorizes the removal of a tree located at 1015 Seneca Street by the property owner, at the property owner’s expense.

**BE IT FURTHER RESOLVED**, that the authorization for the removal of the tree is given with the condition that the property owner repair or replace the sidewalk abutting the tree after the removal of the tree is completed.

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

### **13. ADJOURNMENT**