

# REGULAR MEETING OF THE COMMON COUNCIL

Tuesday, June 25, 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, June 11, 2019 at 6:55 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; Jeff Rowley, Police 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
9. PROPOSED LEGISLATION & REFERRALS

PL #55-19: (Aiello) To authorize the Mayor to enter into a Coordinating Partner – Public System Funding Agreement between the City of Salamanca and the City of Olean for OATS Bus Service Reimbursement for the Fiscal Year June 1, 2019 through May 31, 2020. *Referred to Committee of the Whole Tuesday, June 25, 2019 by Council President.*

PL #56-19: (Aiello) To amend Resolutions #28-17, #53-17, #36-18 and #25-19, retroactively, to replace the word “cents” with “dollars” to reflect the correct water and sewer rates. *Referred to Committee of the Whole Tuesday, June 25, 2019 by Council President.*

PL #57-19: (Aiello) To approve the following Olean Homeownership Assistance Program (OHAP) application: OHAP #51-17, in an amount not to exceed \$12,000. *Referred to Committee of the Whole Tuesday, June 25, 2019 by Council President.*

PL #58-19: (Aiello) To designate Savarino Companies, LLC as a “Qualified and Eligible Sponsor”, approving the Development Agreement and qualifying the disposition of the 101 North Union Street property. *Referred to Committee of the Whole Tuesday, July 9, 2019 by Council President.*

PL #59-19: (Aiello) To authorize the transfer of \$2,612 from General Fund Contingency to line item 5110.447 to cover costs associated with the City of Olean’s Clean-Up Week. *Referred to Committee of the Whole Tuesday, June 25, 2019 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 \$1,948,000.59 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 #53-19**

**PL #52-19**

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

**TO AUTHORIZE THE MAYOR TO ENTER INTO A CABLE FRANCHISE AGREEMENT BETWEEN THE CITY OF OLEAN AND TIME WARNER CABLE NORTHEAST, LLC, LOCALLY KNOWN AS CHARTER COMMUNICATIONS**

**WHEREAS**, an application has been duly made to the Common Council of the City of Olean, County of Cattaraugus, New York, by Time Warner Cable Northeast LLC, l/k/a Charter Communications, a limited liability company organized and existing in good standing under the laws of the State of Delaware doing business at 2604 Seneca Avenue, Niagara Falls, NY 14305, for the approval of a renewal agreement for Time Warner Cable’s cable television franchise for fifteen (15) years commencing with the date of approval by the Public Service Commission; and

**WHEREAS**, the Franchise Renewal Agreement would bring the franchise into conformity with certain provisions of the Federal Cable Communications Policy Act of 1984, as amended, and certain court rulings; and

**WHEREAS**, a Public Hearing was held in the City of Olean, New York on June 25, 2019 at 6:15 p.m. and notice of this hearing was published in the Olean Times Herald on Saturday, June 15, 2019;

**NOW, THEREFORE, BE IT RESOLVED**, that the Common Council of the City of Olean finds that:

1. Time Warner Cable Northeast LLC has substantially complied with the material terms and conditions of its existing franchise and with applicable law; and
2. Time Warner Cable Northeast, LLC has the financial, legal and technical ability to provide these services, facilities and equipment as set forth in its proposal attached; and
3. Time Warner Cable Northeast LLC can reasonably meet the future cable-related community needs and interests, taking into account the cost of meeting such needs and interests.

**BE IT FURTHER RESOLVED**, that the Common Council of the City of Olean hereby grants the cable television franchise of Time Warner Cable Northeast LLC and the City of Olean for fifteen (15) years commencing with the date of approval by the Public Service Commission and expiring fifteen (15) years hence.

**BE IT FURTHER RESOLVED**, that the Common Council of the City of Olean hereby confirms acceptance of this Franchise Renewal Agreement.

**RESOLUTION #54-19**

**PL #53-19**

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

**TO AMEND THE CITY OF OLEAN CODE OF ORDINANCES SECTION 24-135 TO PROHIBIT PARKING AND STANDING ON THE EAST SIDE OF NORTH 8<sup>TH</sup> STREET FOR A DISTANCE OF 20 FEET NORTH FROM THE SIDEWALK AT ITS INTERSECTION WITH WEST STATE STREET**

**RESOLVED**, that Section 24-135 of the City of Olean Code of Ordinances is hereby amended to include the following:

Sec. 24-134 Prohibited from designated sign to corner.

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

Street	Side	Extent
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Eighth Street, North East

No parking or standing for a distance of 20 feet north from the sidewalk at its intersection with West State Street

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

**RESOLUTION #55-19**

**PL #54-19**

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

**TO AUTHORIZE THE CONVEYANCE OF AN EASEMENT TO THE OLEAN URBAN RENEWAL AGENCY FOR A STRIP OF LAND UPON WHICH THERE IS AN EXISTING BASEMENT EXTERIOR STAIRCASE LOCATED ADJACENT TO THE PUBLIC SIDEWALK ALONG WEST STATE STREET ON THE SOUTH SIDE OF 101 NORTH UNION STREET**

**WHEREAS**, the Olean Urban Renewal Agency is the owner of a property located at 101 North Union Street, City of Olean; and

**WHEREAS**, a staircase for access to the basement of the structure is located in the public right of way; and

**WHEREAS**, the Olean Urban Renewal Agency wishes to obtain an easement for the purpose of regular access, as well as maintenance, repairs, construction and/or reconstruction of the staircase;

**BE IT RESOLVED**, that the Common Council authorizes the conveyance of an easement to the Olean Urban Renewal Agency for a strip of land approximately 5'5" by 13'7" upon which there is an existing basement exterior staircase located adjacent to the public sidewalk along West State Street on the south side of 101 North Union Street, approximately 32'2" from its southwest corner.

**RESOLVED**, that such easement includes, upon notice to and consultation with the City of Olean, the temporary right of access by the Olean Urban Renewal Agency and its agents and assigns the lands of the City of Olean to perform maintenance, repairs, construction and/or reconstruction of the staircase.

**BE IT FURTHER RESOLVED**, that this easement shall be effective as long as the staircase exists and remains intended to be used or actually utilized by the owner of the property located at 101 North Union Street.

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

**RESOLUTION #56-19**

**PL #55-19**

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

**TO AUTHORIZE THE MAYOR TO ENTER INTO A COORDINATING PARTNER – PUBLIC SYSTEM FUNDING AGREEMENT BETWEEN THE CITY OF SALAMANCA AND THE CITY OF OLEAN FOR OATS BUS SERVICE REIMBURSEMENT FOR THE FISCAL YEAR JUNE 1, 2019 THROUGH MAY 31, 2020**

**WHEREAS**, the New York Department of Transportation (NYSDOT) provides financial assistance to public transportation operations to enhance the mobility of all residents in New York State; and

**WHEREAS**, Federal law requires coordination between private, non-profit and public transportation providers and other Federal programs for certain Federal Transit Administration Funding programs; and

**WHEREAS**, there is recognition of the need to distribute the operating costs of coordinated transportation systems in a rational and fair manner among these coordinating partners; and

**WHEREAS**, allocations of operating data such as passenger utilization, miles of service or utilization of services attributed to partnering agencies may provide the basis for the distribution of operating costs among partners; and

**WHEREAS**, the financial contribution from coordinating partners for the operation of Olean Area Transit System (OATS) service will be based on a review of projected system costs for the public transportation system operating year and assessed on the basis of coordinating the transportation services to provide cost efficiency to the community; and

**WHEREAS**, the estimated financial contribution will be budgeted and made available by the governing entity of the coordinating partner to support the public transportation system operating year; and

**WHEREAS**, the operation of the OATS, including system wide administration costs, are estimated to cost \$743,561.18 during fiscal year June 1, 2019 through May 31, 2020; and

**WHEREAS**, the City of Olean has agreed to assume responsibility to sponsor the operation of the OATS and has assumed the responsibility to make application and accept operating and capital grant assistance from the New York State Department of Transportation for such purpose; and

**WHEREAS**, after review of operating projections and partner share proposals, the partners to the operation of the OATS agree to contribute partner shares to the operation of said system; and

**WHEREAS**, the City of Salamanca, New York will contribute \$15,000 to the operation of the OATS in the fiscal year ending May 31, 2020;

**NOW, THEREFORE, BE IT RESOLVED**, that the Common Council of the City of Olean authorizes the Mayor to enter into a Coordinating Partner – Public System Funding Agreement between the City of Salamanca and the City of Olean for OATS Bus Service Reimbursement for the Fiscal Year June 1, 2019 through May 31, 2020.

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

**RESOLUTION #57-19**

**PL #56-19**

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

**TO AMEND RESOLUTIONS #28-17, #53-17, #36-18, AND #25-19, RETROACTIVELY, TO REPLACE THE WORD “CENTS” WITH “DOLLARS” TO REFLECT THE CORRECT WATER AND SEWER RATES**

**RESOLVED**, that Resolution #28-17 is amended retroactively to April 11, 2017; Resolution #53-17 is amended retroactively to June 13, 2017; Resolution #36-18 is amended retroactively to March 27, 2018, and Resolution #25-19 is amended retroactively to March 26, 2019 to replace the word “cents” with “dollars” to reflect the correct water and sewer rates.

**RESOLUTION #58-19**

**PL #57-19**

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

**AUTHORIZING THE RELEASE OF OLEAN HOMEOWNERSHIP ASSISTANCE PROGRAM GRANT FUNDS TO A QUALIFIED HOMEBUYER**

**WHEREAS**, the City of Olean has been awarded grant funds from the New York State Housing Trust Fund Corporation (HTFC) Office of Community Renewal (OCR); and

**WHEREAS**, these funds have been designated to assist low- and moderate-income homebuyers with funding assistance in relation to the purchase of a home in the City of Olean; and

**WHEREAS**, the City of Olean has received an application that has been determined eligible to participate in this program; and

**WHEREAS**, Rural Revitalization Corporation, with whom the City of Olean has contracted with for Professional Housing Counseling Services related to marketing, technical services, and program administration in connection with the Olean Homeownership Assistance Program, has reviewed the application for assistance and has approved the grant to the following applicant:

OHAP #51-17, not to exceed \$12,000;

**NOW, THEREFORE, BE IT RESOLVED**, that the City of Olean approves the above-identified grant to a homebuyer which will be leveraged with loans from private and public lending institutions to assist this application with funding related to the purchase of a home in the City of Olean.

**BE IT FURTHER RESOLVED**, that the City Auditor is authorized to release the funds to the qualified individual(s) according to the rules and regulations of the funding source.

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

**RESOLUTION #59-19**

**PL #59-19**

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

**RESOLUTION AUTHORIZING THE TRANSFER OF FUNDS FROM GENERAL FUND CONTINGENCY  
TO LINE ITEM 5110.447**

**RESOLVED**, that the following transfer be authorized for costs associated with the City of Olean's 2019 Clean-up Week:

<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>\$2,612</i>	
<i>A-01-5-5110.447</i>	<i>Fees For Services</i>		<i>\$2,612</i>

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

**13. ADJOURNMENT**