

# REGULAR MEETING OF THE COMMON COUNCIL

Tuesday, January 28, 2020

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, January 14, 2020 at 6:40 p.m.”

PRESENT: Aldermen Gonzalez, Witte, Panus, Dougherty, Smith, and Anastasia

ABSENT: Alderman Crawford

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; Bob Bell, Fire 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 #04-20: (Aiello) To authorize the Mayor to sign a continuing agreement between the City of Olean and the State of New York in connection with consolidated Section 5311 Program Appalachian Development Public Transportation Assistance Program, Supportive Employment Services and Operating and Capital Assistance Projects for the Olean Area Transit System. *Referred to Committee of the Whole Tuesday, January 28, 2020 by Council President.*

PL #05-20: (Aiello) To authorize the transfer of \$10,448 from General Fund Contingency to line item 7150.444 for costs associated with the purchase and installation of two new Zamboni batteries. *Referred to Committee of the Whole Tuesday, January 28, 2020 by Council President.*

PL #06-20: (Anastasia) To authorize the installation of a “No Parking Here to Corner” sign on East Oak Street at the southeast corner of its intersection with Walnut Street for a distance of 20 feet. *Referred to Committee of the Whole Tuesday, February 11, 2020 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 \$939,700.71 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 #04-20**

**PL #04-20**

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

**TO AUTHORIZE THE MAYOR TO SIGN A CONTINUING AGREEMENT BETWEEN THE CITY OF OLEAN AND THE STATE OF NEW YORK IN CONNECTION WITH THE CONSOLIDATED SECTION 5311 PROGRAM APPALACHIAN DEVELOPMENT PUBLIC TRANSPORTATION ASSISTANCE PROGRAM, SUPPORTIVE EMPLOYMENT SERVICES OPERATING AND CAPITAL ASSISTANCE PROJECTS FOR THE OLEAN AREA TRANSIT SYSTEM**

**WHEREAS**, the City of Olean submitting a request for a consolidated grant of funds to the New York State Department of Transportation, pursuant to Section 5311, Title 49 United States Code, for a project to provide public mass transportation service for the City of Olean and its environs in Cattaraugus County, on the Oil Spring and Seneca Allegany Territories of the Seneca Nation of Indians, for the 2019 and 2020 project fiscal years and is committed to provide the local share using local resources, if required; and

**WHEREAS**, that the Mayor, City of Olean, is authorized to act on behalf of the City of Olean to sign the application and progress and complete the above-referenced project.

**WHEREAS**, the City of Olean and the State of New York have entered into a continuing agreement which authorizes the undertaking of the project and payment of the Federal Share; and

WHEREAS, the City of Olean is contracting with a third party subcontractor for the project described above;

BE IT RESOLVED, that the Mayor, City of Olean, is authorized to sign any contracts or agreements between the City of Olean, New York State Department of Transportation and any third party subcontractor necessary to complete the public transportation project, subject to the approval of the City of Olean Attorney.

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

**RESOLUTION #05-20**

**PL #05-20**

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

**RESOLUTION AUTHORIZING THE TRANSFER OF FUNDS FROM GENERAL FUND CONTINGENCY  
TO LINE ITEM 7150.444**

RESOLVED, that the following transfer be authorized for costs associated with the purchase and installation of two new Zamboni batteries:

<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>\$10,448</i>	
<i>A-01-5-7150.444</i>	<i>Recreation Maintenance – Repairs to Equipment</i>		<i>\$10,448</i>

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

**RESOLUTION #06-20**

**PL#NONE**

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

**TO CONFIRM THE MAYORAL APPOINTMENT OF LIEUTENANT TIMOTHY RICHARDSON AS FIRE  
CHIEF**

RESOLVED, that the Common Council of the City of Olean confirms the Mayoral Appointment of Lientenant Timothy Richardson as Fire Chief.

RESOLVED, that this Resolution is effective February 3, 2020.

**RESOLUTION #07-20**

**PL #NONE**

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

**TO REQUEST THAT NEW YORK STATE TO REPEAL THE CHANGES EFFECTIVE JANUARY 1, 2020  
TO CRIMINAL PROCEDURE RULES FOR BAIL, PRETRIAL RELEASE AND THE PROVISION OF  
DISCOVERY MATERIAL TO CRIMINAL DEFENDANTS**

**WHEREAS**, the newly passed amendments to the New York State law have, effective January 1, 2020, made significant changes to criminal procedure in the areas of bail, pretrial release, and discovery reform; and

**WHEREAS**, with these new reforms people charged with misdemeanors and nonviolent felonies will in most cases be released without cash bail, pending their trials; and

**WHEREAS**, with discovery reform, prosecutors will be required to disclose evidence to the defense within 15 days of arraignment for an indictment or criminal charge or issuance of an appearance ticket; and

**WHEREAS**, the recent bail reform legislation has eliminated a judges' discretion to set bail on a broad range of crimes without at the same time providing any financial support at all to the many counties that need to immediately enhance their alternatives to incarceration and pre-trial supervision options, and furthermore, implementation has not included providing the local criminal courts with adequate guidance on the very different approaches that will be called for to supervise defendants under the least restrictive method available, as well as providing the time necessary to develop the trust of the courts in employing them; and

**WHEREAS**, if successful bail reform is a New York State legislative goal, then the New York State Legislature should fully fund the cost of these changes to address the implementation of a full range of alternatives to incarceration and pre-trial supervision programming necessary to comprehensive bail reform; and

**WHEREAS**, the short time period between the passage of the amendment to CPL Section 245, and implementation of the Law, has led to not just the New York State Attorney General, but almost every prosecutor's office and Police Department in the State attempting to hire attorneys, paralegals, investigators, and administrative staff, that have criminal law expertise, all at the same time from a limited pool of qualified applicants; and

**WHEREAS**, even if District Attorneys and Police Departments have been able to get approval of the large budget increases that the new staffing requires, and can identify and hire suitable attorneys, paralegals, investigators, officers and administrative staff, these new employees need to undergo costly training within their new offices as well as with the new bail and discovery requirements; and

**WHEREAS**, if discovery reform is a New York State legislative goal, then the New York State Legislature should fully fund the cost of the required changes to internal procedures within the District Attorney's Offices and police agencies necessary for the faster processing and management of evidence in criminal cases;

**NOW, THEREFORE, BE IT RESOLVED**, that due to the undue financial burden on the City of Olean as well as other New York State municipalities, District Attorney's Offices and police agencies, that the Common Council of the City of Olean requests that the New York State Legislature repeal changes implemented effective January 1, 2020 to the Criminal Procedure Rules for Bail, Pretrial Release, and the Provision of Discovery Material for Criminal Defendants.

**BE IT RESOLVED**, further, that copies of this Resolution be provided to the Attorney General Letitia James, Lieutenant Governor Kathy Hochul, Governor Andrew Cuomo, Assemblyman Joseph Giglio and Senator George Borrello.

### **13. ADJOURNMENT**