

REGULAR MEETING OF THE COMMON COUNCIL

Tuesday, March 23, 2021

via Zoom – 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, March 9, 2021 at 7:05 p.m.”

PRESENT: Aldermen Crawford, Witte, Panus, Gonzalez, Robinson, and Anastasia

ABSENT: None

OFFICIALS: Mayor William Aiello; Lens Martial, City Clerk; Jack Hart, City Attorney; Fred Saradin, City Auditor; Keri Kerper, Community Development Program Coordinator; Bob Ring, Director of Public Works; Tim Richardson, 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 #10-21: (Aiello) To authorize the Mayor to sign agreements between the City of Olean and the State of New York in connection with consolidated Section 5311 Program funds and Accelerated Transit Capital funds for the purchase of three Lot K buses for the Olean Area Transit System and to authorize the Mayor to sign an agreement with Matthews Bus Alliance d/b/a Matthews Bus Commercial. *Referred to Committee of the Whole Tuesday, March 23, 2021 by Council President.*

PL #11-21: (Aiello) Budget 2021-2022. *Referred to Finance Committee by Council President.*

PL #12-21: (Aiello) To adopt and implement the City of Olean Police Reform and Reinvention Collaborative Plan. *Referred to Committee of the Whole Tuesday, March 23, 2021 by Council President.*

PL #13-21: (Aiello) To authorize the implementation and funding in the first instance 100% of the federal-aid and State “Marchiselli” Program-aid eligible costs, of the Construction and Construction Inspection phases of the Olean Pedestrian Crossing Enhancements Project, a transportation federal-aid project, and appropriating funds therefore. *Referred to Regular Meeting Tuesday, March 23, 2021 for Resolution by Council President.*

PL #14-21: (Aiello) To establish the Standard Work Days pursuant to New York State and Local Retirement System Regulation 315.4. *Referred to Committee of the Whole Tuesday, March 23, 2021 by Council President.*

PL #15-21: (Anastasia) To amend the City of Olean Code of Ordinances Section 24-135 to prohibit parking on the east side of Maple Street at its intersection with Root Street. *Referred to Public Safety Committee 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 \$698,476.58 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 #13-21

PL #10-21

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 CONSOLIDATED SECTION 5311 PROGRAM FUNDS, OMNIBUS PROGRAM FUNDS AND ACCELERATED TRANSIT CAPITAL PROGRAM FUNDS FOR THE PURCHASE OF THREE LOT K BUSES FOR THE OLEAN AREA TRANSIT SYSTEM AND TO

**AUTHORIZE THE MAYOR TO SIGN AN AGREEMENT WITH MATTHEWS BUS ALLIANCE D/B/A
MATTHEWS BUS COMMERCIAL FOR THE PURCHASE OF THREE LOT K BUSES**

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 three Lot K buses;] for the Olean Area Transit System, and

WHEREAS, the City of Olean was awarded the following:

FTA 5311:	PIN 5790.02.301	\$118,636
FTA 5311:	PIN 5790.02.30A	\$118,636
FTA 5311:	PIN 5790.02.601	\$118,636
Omnibus:	PIN 5790.02.301	\$14,830
Omnibus:	PIN 5790.02.30A	\$14,830
Omnibus:	PIN 5790.02.601	\$14,830
2019 ATC:	PIN 5824.76.001	\$1,490
2019 ATC:	PIN 5825.14.001	\$4,198
2020 ATC:	PIN 5825.14.001	\$8,609

For a total of \$414,695 in said funding by FTA and 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 City of Olean and the State of New York previously entered into contract agreements whereby an additional \$42,998.37 in NYSDOT Accelerated Transit Capital (ATC) funding was made available for the purchase of three Lot K buses;

WHEREAS, the total amount of funding available for the purchase of three Lot K buses under the aforementioned agreements is \$457,693.37;

WHEREAS, the total amount of the proposed contract between the City of Olean and Matthews Bus Alliance to purchase three Lot K buses is \$457,691.70;

WHEREAS, the contract and associated payment for the three Lot K buses 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, City of Olean, is authorized to sign any contracts 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 the approval of the City of Olean Attorney.

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

RESOLUTION #14-21

PL #12-21

By Alderman _____, Seconded by Alderman _____

**TO ADOPT AND IMPLEMENT THE CITY OF OLEAN POLICE REFORM AND REINVENTION
COLLABORATIVE PLAN**

WHEREAS, the City of Olean started a dialogue with residents in June 2020 following protests taking place daily throughout the nation and in communities across New York State in response to police-involved deaths and racially-biased law enforcement to demand change, action, and accountability; and

WHEREAS, Mayor William J. Aiello initiated a series of Town Hall meetings following a number of peaceful protests and a Common Council Meeting on June 23rd in which numerous residents expressed concerns, the forum allowed members of the community a chance to define the problems and work together with City officials to devise a strategy to rectify the issues that were causing disruption in the community; and

WHEREAS, the three town hall meetings were held on June 30th, July 9th, and July 16th at the John Ash Community Center from 6:30 p.m. to 8:00 p.m., limited to 50 people due to COVID-19 restrictions; and

WHEREAS, Olean residents were given priority to attend and reservations were required, and everyone was given the chance to speak and time limits were set for this purpose; and

WHEREAS, the Olean Police Reform and Reinvention Collaborative held its first meeting on December 3, 2020 and held 11 meetings from December through February to comply with Governor Cuomo’s Executive Order Number 203, held via Zoom because of COVID-19 precautionary measures and recorded and posted to the City of Olean’s YouTube Channel; and

WHEREAS, Executive Order No. 203 states that in coordination with the resources of the Division of Criminal Justice Services and the Division of the Budget, local governments can “increase the effectiveness of the criminal justice system by ensuring that the local police agencies within the state have been actively engaged with stakeholders in the local community and have locally-approved plans for the strategies, policies and procedures of local police agencies; and

WHEREAS, the committee had representation from City government, the City’s police force, as well as the Cattaraugus County Health Department, District Attorney’s Office, and Public Defender’s Office, as well as from local business owners, the Greater Olean Council of Churches, education and housing professionals and members of the community, including those who have had interactions with members of the Police Department; and

WHEREAS, during the course of the meetings, the committee had access to the following:

1. New York State Police Reform and Reinvention Collaborative Plan Workbook;
2. Police Department Policies;
3. Job Description for a Police Officer;
4. New York State Law Enforcement Accreditation Documentation;
5. Police Department Blank Reports:
 - a. Incident Report,
 - b. Arrest Report,
 - c. Domestic Report;
6. Arrest Statistics from the Cattaraugus County Public Defender’s Office; and

WHEREAS, the committee met with Mary O’Leary from the Cattaraugus County Department of Social Services; and

WHEREAS, in addition to reviewing police policies, the committee reviewed the following topics during the course of the meetings: the role of a social worker in the Police Department, the role of the School Resource Officer, training of Police Officers, accreditation of the Police Department, incentivizing Police Officer job through property tax exemptions and increased pay, re-establish a Community Policing Department, initiate a Civilian Review Board, initiate cultural awareness training, initiate a sponsorship program to the Police Academy, initiate an Explorer’s Program, initiate a Civilian Academy, defense training, neck holds, physical fitness, Police Officer stress, and no knock warrants; and

WHEREAS, after a thorough review and discussion the committee made recommendations regarding the role of a social worker, the role of the School Resource Officer, recruitment, accreditation of the Police Department, re-establishing Community Policing, initiating a Civilian Review Board, training of Police Officers, choke and neck holds, physical fitness, Police Officer stress, staffing, and upgrades to the City’s website;

NOW, THEREFORE, BE IT RESOLVED, that the City of Olean Common Council hereby adopts the City of Olean Police Reform and Reinvention Collaborative Plan per Executive Order No. 203 of Governor Andrew M. Cuomo, and hereby authorizes and directs of the implementation of said Plan;

BE IT RESOLVED, that this Resolution shall be effective immediately and that a certified copy of this Resolution shall be forwarded to the Director of the Division of the Budget to affirm that the Plan has been developed and adopted.

RESOLUTION #15-21

PL #13-21

By Alderman _____, Seconded by Alderman _____

TO AUTHORIZE THE IMPLEMENTATION AND FUNDING IN THE FIRST INSTANCE 100% OF THE FEDERAL-AID AND STATE “MARCHISELLI” PROGRAM-AID ELIGIBLE COSTS, OF THE

**CONSTRUCTION AND CONSTRUCTION INSPECTION PHASES OF THE OLEAN PEDESTRIAN
CROSSING ENHANCEMENTS PROJECT, A TRANSPORTATION FEDERAL-AID PROJECT, AND
APPROPRIATING FUNDS THEREFORE**

WHEREAS, a project for the Olean Pedestrian Crossing Enhancements, PIN 5762.72 (the “Project”) is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be born at the ration of 100% Federal funds and 0% non-federal funds; and

WHEREAS, the Common Council of the City of Olean, duly convened does hereby

RESOLVE, that the Common Council hereby approves the above-subject project; and it is hereby further

RESOLVED, that the Common Council hereby authorizes the City of Olean to pay in the first instance 100% of the federal and non-federal share of the cost of construction and construction inspection work for the Project or portions thereof; and it is further

RESOLVED, that the sum of \$330,000 will hereby be made available to cover the cost of participation in the above phase of the Project; and it is further

RESOLVED, that in the event the full federal and non-federal share costs of the project exceeds the amount appropriated above the Common Council of the City of Olean shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the Director of Public Works thereof, and it is further

RESOLVED, that the Mayor of the City of Olean be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the City of Olean with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality’s first instance funding of project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible, and it is further

RESOLVED, that a certified copy of this Resolution be filed with the New York State Commissioner of Transportation by attached it to any necessary Agreement in connection with the Project, and it is further

RESOLVED, that this Resolution shall take effect immediately.

RESOLUTION #16-21
PL #14-21

By Alderman _____, Seconded by Alderman _____

**RESOLUTION ESTABLISHING THE STANDARD WORK DAYS PURSUANT TO NEW YORK STATE
AND LOCAL RETIREMENT SYSTEM REGULATION 315.4**

BE IT RESOLVED, that the City of Olean / Location code 20039 hereby establishes the following as standard work days for elected and appointed officials and will report the following days worked to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by these officials to the Clerk of this body. This information is pursuant to Regulation 315.4(b).

Title and Name	Standard Work Day 315.4(b)(i)	Term Begin/End 315.4(b)(ii)	Days/Mths based on record 315.4(b)(iv)
Elected Officials			
John Crawford, Council President	6	1/1/21-12/31/22	5.01
Jason Panus, Alderman	6	1/1/20-12/31/22	1.20
Appointed Officials			
Darryl Bloom, Zoning Board	6	10/7/16-10/7/26	1.96
Kelly Sweet Zoning Board	6	11/18/19-11/18/29	.40

RESOLVED, that this resolution will be effective immediately.

13. ADJOURNMENT