

REGULAR MEETING OF THE COMMON COUNCIL

Tuesday, May 25, 2021

Olean Municipal Building – 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 11, 2021 at 7:25 p.m.”

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

ABSENT: None

OFFICIALS: Mayor William Aiello; Lens Martial, City Clerk; Fred Saradin, City Auditor; Bob Ring, Director of Public Works; Brad Camp, Water and Sewer Superintendent; 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 #26-21: (Aiello) To transfer \$25,000 from line item 5142.412 to newly created Capital Fund #211 – Salt Shed. *Referred to Regular Meeting Tuesday, May 25, 2021 for Resolution by Council President.*

PL #27-21: (Aiello) To authorize transfers from General Fund Contingency to line item 3650.447 for costs associated with the stabilization of 117 North Union Street (\$22,000) and Capital Fund #150 for the Sidewalk Program (\$29,182). *Referred to Regular Meeting Tuesday, May 25, 2021 for Resolution by Council President.*

PL #28-21: (Aiello) To transfer funding from General Fund Balance to newly created Capital Funds #205 – Fire Station Generator (\$36,000), #206 – Restriping City Streets (\$90,000), #207

– Street Brickwork (\$100,000), #208 – South Union Street Gateway (\$150,000). #209 – Central Fire Station HVAC (\$50,000), and #210 – Recreation Center Digital Sign (\$25,000). *Referred to Regular Meeting Tuesday, May 25, 2021 for Resolution by Council President.*

PL #29-21: (Aiello) To authorize the transfer of \$546,000 from Sewer Fund Balance to Vehicle Replacement Fund – Capital Fund #102 for costs associated with the purchase of a street sweeper (\$109,000), a vacuum truck (\$390,000), and a loader (\$47,000), and \$47,000 from Water Fund Balance to Capital Fund #102 for costs associated with the purchase of a loader. *Referred to Regular Meeting Tuesday, May 25, 2021 for Resolution by Council President.*

PL #30-21: (Aiello) To authorize the transfer of \$24,554.13 from line item 1620.444, Building Repairs, to line item 3410.444, Fire – Repairs to Equipment, to cover costs associated with construction at Central Fire Station. *Referred to Regular Meeting Tuesday, May 25, 2021 for Resolution by Council President.*

PL #31-21: (Aiello) To confirm the Mayoral Appointment of Joshua Miller to the Board of Assessment Review for the term 10/01/2020 through 09/30/2025. *Referred to Committee of the Whole Tuesday, May 25, 2021 by Council President.*

PL #32-21: (Aiello) To authorize the transfer of \$50,000 from Water Fund Contingency to newly created Capital Fund #212, Hydraulic Mapping. *Referred to Regular Meeting Tuesday, May 25, 2021 for Resolution by Council President.*

PL #33-21: (Aiello) To authorize the transfer of \$10,584 from line item 5111.301 and \$5,250 from line item 5111.302 to Capital Fund #185, Tree Program. *Referred to Committee of the Whole Tuesday, May 25, 2021 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 \$1,545,589.73 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 #26-21

PL #22-21

By Alderman _____, Seconded by Alderman _____

TO AUTHORIZE THE MAYOR TO EXECUTE A MEMORANDUM OF UNDERSTANDING WITH BIRD RIDES, INC. FOR STAND-UP ELECTRIC SCOOTER SHARING SYSTEMS WITHIN THE CITY OF OLEAN

RESOLVED, that the Common Council of the City of Olean authorizes the Mayor to execute a Memorandum of Understanding with Bird Rides, Inc. for stand-up electric scooter sharing systems within the City of Olean.

RESOLVED, that this Resolution is effective immediately.

RESOLUTION #28-21

PL #24-21

By Alderman Witte, Seconded by Alderman Barnard

TO AMEND CHAPTER 27, ARTICLE II OF THE CITY OF OLEAN CODE OF ORDINANCES AND TO UPDATE THE WATER/SEWER INFRASTRUCTURE AND BILLING POLICY

RESOLVED, that Chapter 27, Article II, Section 27-1 of the City of Olean Code of Ordinances is amended as follows:

27-1. Rules and Regulations, Generally.

1. SUPERVISION OF SYSTEM: The Water and Sewer System and all structures or properties connected to the City of Olean Water and Sewer system shall be under the supervision of the Department of Public Works. All work performed in connection with the system shall conform with the New York State Uniform Fire Prevention and Building Code and shall be subject to inspection by the Code Enforcement Office or the Department of Public Works. The Department of Public Works may establish such other and further regulations as may be necessary or appropriate to assure implementation and standardization of the policy matters contained in this article.
2. POLICY CREATES A CONTRACT Each and every person who shall be supplied or whose property shall be supplied with water by the City of Olean City must agree to comply and must comply with these rules and regulations; and the same shall constitute a part of the contract existing between such person and the City. Any owner and or consumer of water service supplied under Article II below shall as condition of such service be obligated to adhere to each and every other Article of this Chapter as applicable.

3. **PROPERTIES OUTSIDE CITY LIMITS** No water or sewer service shall be provided to any person or property residing outside the City of Olean, unless such property is located in a municipality with an established water and sewer district and such district has entered into an inter-municipal agreement with the City.
4. **CONNECTIONS.** Any owner of a structure or property that is connected to the water and sewer system shall be responsible for maintaining, at his or her expense, the supply and connecting lines of the property to the water and sewer mains. Any owner seeking to connect his or her property to the water and sewer mains shall be required to obtain a permit from the Department, and the connection shall be completed in the manner approved by the Office of Code Enforcement or the Department of Public Works. Any work contracted by the owner under this section shall be performed by a contractor and plumber licensed by the City.
5. **DISCONNECTIONS UPON DEMOLITION.** Any owner of a structure or property which is connected to the city water and sewer system who applies for a permit authorizing the demolition or removal of the connected structure shall, at his or her own expense, be required to disconnect any water or sewer line servicing the structure at the City mains. The disconnect shall be completed in the manner approved by the Office of Code Enforcement prior to the demolition of the structure unless otherwise agreed to by the City. Any work contracted by the owner under this section shall be performed by a contractor and plumber licensed by the City. If any owner shall fail to disconnect the lines from the mains, the City may undertake the necessary work and shall be entitled to file a lien against the property for the actual cost incurred, plus a penalty of \$500.
6. **WATER DIVISION.** All transactions under this Chapter 27 shall be with the Department of Public Works, and all matters herein prescribed to be done by the Water Division or Sewer Division shall respectively be had with and done by the Department of Public Works for the City.
7. **VIOLATIONS.** It shall be unlawful to violate any provision of this Chapter.
8. **MONTHLY MINIMUM .**All premises that are supplied with a service connection, whether or not said premises is occupied, will be charged a monthly minimum fee plus any water consumption.
9. **REGULATORY AUTHORITY.** Those rules and regulations not specifically enumerated in this Chapter which are necessary to the safe and efficient management of the water system shall be prescribed by the Director of Public

works and described in the Water and Sewer Policy as amended from time to time.

BE IT FURTHER RESOLVED, that Chapter 27, Article II, Section 27-8 is hereby amended as follows:

27-8. Description of Service

1. SUPPLY. The Department will exercise reasonable diligence and care to deliver a continuous and sufficient supply of water to a customer at a proper pressure and to avoid any shortage or interruption in delivery. The Department has, however, the right to limit the amount of water furnished.
2. QUALITY. The quality of water supplied will meet or exceed all regulatory requirements of the Department of Health for a public water utility.
3. SERVICE AREA. The City will supply water to the City of Olean and may supply the same to other Water Districts and other potential users based upon an inter-municipal agreement. The Department reserves the right to refuse or limit service to any consumer located outside the City if the supply of water for the City or its inhabitants becomes insufficient because of such outside service.

BE IT FURTHER RESOLVED, that Chapter 27, Article II, Section 27-13 is hereby amended as follows:

27-13. Failure to Pay Water Bill When Due.

1. Water bills are due and payable on the 17th day of the month in which the bill is issued.
2. On the 20th day of the month in which the bill is issued, a 10 % late fee (10% of the total monthly water account balance) will be assessed and added to the account. A monthly list of delinquent accounts will be made available in the City Clerk's office and will be posted on the City's web page.
3. No late notices will be mailed to property address.

BE IT FURTHER RESOLVED, that Chapter 27, Article II, Section 27-14 is hereby amended as follows:

27-14. Partial Payments on Account

1. Partial payments on accounts will only be accepted for accounts that are maintained in the property owners' name.

BE IT FURTHER RESOLVED, that Chapter 27, Article II, Section 27-17 is hereby amended as follows:

27-17. Shutting off water.

1. Right of City. Water may be shut off by the Water Department from any service or main for the purpose of making or constructing new work or making repairs in the water system, or for enforcement of payment of moneys or charges due to the City for water supply and for other matters in accordance with the rules and regulations set forth in this chapter in order to enforce compliance with such rules and regulations, IN Case of making or constructing new work or in making repairs, the right is reserved to shut off the water from any consumer without notice for as long a period as may be necessary.
2. Notice. In the event of shutoff for violation of these rules and regulations, written notice shall be sent, prior to shutoff, by certified mail to the owners of the premises as shown by the latest assessment rolls of said City. Notice shall also be conspicuously posted on the front door of the building. Each notice shall be postmarked and posted not less than 15 days prior to shutoff. The notice shall include the anticipated date the water will be shut off, the reason for the shutoff. It is understood and agreed, however, the City is not liable for any damage which may result to any person or premises from the shutting off of the water from any main or service for any purpose whatever, even in cases where no notice is given.

BE IT FURTHER RESOLVED, that Chapter 27, Article II, Section 27-18 is hereby amended as follows:

27-18. Disputed Bills and Adjustments

No City official is authorized to make adjustments in the water or sewer bills after issuance. If a customer wishes to dispute his or her bill, it must be submitted, in writing, to the Mayor or Water & Sewer Superintendent within 90 45 days of the bill date as listed on the bill. A dispute committee will hear the case and make a decision as to whether an adjustment can or will be made.

BE IT FURTHER RESOLVED, that Section 27-21, is hereby amended as follows:

27-21. Connecting or Supply Pipes

The connecting or supplying pipes leading from buildings or yards to the distribution pipe shall be inserted and kept in order at the expense of the owner or occupant of the buildings or yards. Such connecting or supplying pipes shall not be inserted or connected with the main pipe until a permit therefor shall be obtained from the office of the Department of Public Works. All such

connecting or supplying pipes shall be so constructed and connected in the mannder directed by the Director of Public Works, Water & Sewer Superintendent or their designee.

BE IT FURTHER RESOLVED, that Section 27-25, subparagraph (b) is hereby amended as follows:

- (b) The city shall furnish the official water meter and transmitter for each property at its expense in those instances where the diameter of the meter is two inches or less; in those instances where the diameter of the meter is in excess of two inches, the city shall furnish the meter at the expense of the property owner. In either case, the meter and transmitter shall remain the property of the city and shall be installed by city personnel and protected by the property owner at his their expense. Normal maintenance on this water meter and transmitter shall be provided by the city. Maintenance, repair or replacement required because of improper use, accident, hot water, freezing, vandalism, theft, removal without the prior authorization of the Water Department or other extraordinary cause shall be at the property owner's expense. In addition to the actual cost of repair or replacement of the meter, the property owner shall pay the fee set forth in “Schedule A”.

BE IT FURTHER RESOLVED, that Section 27-25, subparagraph (g) is hereby amended as follows:

- (g) No person, persons, firm, partnership, corporation or other entity shall, without written authorization of the Water Department or its designee, interfere with, tamper with, unseal or remove the official water meter or transmitter after it has been inspected, approved and sealed by the Water Department, by order of the Water Department. Fines for tampering with city equipment may be up to \$1,000 and may result in the termination of service.

BE IT FURTHER RESOLVED, that Section 27-26 is hereby amended as follows:

Sec. 27-26. Installation.

- (a) The official water meter shall be set in a position as close as practical to the point where the water service line enters the building.
- (b) Except where the Water Department has permitted otherwise in writing, the official water meter shall not be located in excess of 50 feet from the property line. It shall be the responsibility of the property owner to protect the water meter as directed.
- (c) Unless otherwise directed by the Water Department, the rated size of the official water meter shall be equal to or less than the diameter of the domestic service line. A minimum of a three-inch meter will be required for service lines four inches in diameter or larger.

(d) In the case of service lines greater than two inches in diameter, a valved bypass shall be installed to facilitate testing and meter repair. The valve on the bypass shall be sealed by the Water Department.

BE IT FURTHER RESOLVED, that Section 27-27 is hereby amended as follows:

Sec. 27-28. Responsibilities of City and Consumer

(a) An official water meter damaged by frost, negligence or misuse by the property owner or any other person shall be replaced and repaired at the property owner's expense as outlined in the water and sewer rate schedule.

(b) The city will not be held responsible in any way for damage to service lines, meters, house piping, valves or any other fixtures as a result of frost or any other reasons, nor shall the city be responsible in any way for damage to property from the above causes or from leakage of water from any part of the service lines or house piping.

(c) The consumer in any premises not equipped with a curb box and curb faucet shall install, if for any reason the service of water to such premises is or should be discontinued, whether temporarily or otherwise, such curb box and curb faucet of the size, type and in the manner approved by the Water Department.

(d) In the event that it is necessary for the city to remove or replace the official water meter and the Water Department is of the opinion that such removal or replacement cannot be effected or is inadvisable until repairs have been made by the property owner to the service line or house piping, the Water Department may order repairs to be made by the property owner at his expense.

(e) The Water Department shall have the sole right to determine the location, size, type and manufacture of any and all meters, connections and other appliances.

(f) In the event that it becomes necessary to change the location, size, type or manufacture of a water meter, the expense shall be borne by the consumer.

(g) In any event, the city shall not be liable for any damage to service lines, house piping or property caused by removal, replacement or testing of the official water meter or for any cause whatsoever.

BE IT FURTHER RESOLVED, that Section 27-28, subparagraph (c) is hereby amended as follows:

(c) When access to the meter cannot be had for any billing period, the customer may be billed for water consumption upon the basis of average usage indicated by the records of the Water Department, based upon the water meter reading for the preceding year, the actual consumption to be billed on the next available meter reading.

BE IT FURTHER RESOLVED, that Section 27-33, subparagraph (d) is hereby amended as follows:

(d) Failure to annually test and report each RPZ and DCV backflow prevention device may result in fines and fees set forth in “Schedule A,” failure to complete testing after notification may result in termination of service.

RESOLVED, that all other Sections of Chapter 27, Article II shall remain the same.

RESOLVED, that the Water / Sewer Infrastructure and Billing Policy is hereby amended to reflect these changes.

RESOLVED, that this Resolution is effective immediately.

RESOLUTION #33-21

PL #26-21

By Alderman _____, Seconded by Alderman _____

RESOLUTION AUTHORIZING THE TRANSFER OF FUNDS FROM LINE ITEM 5142.412 TO CAPITAL FUND #211 – SALT SHED

RESOLVED, that the following transfer be authorized:

<i>Account #</i>	<i>Description – General</i>	<i>Transferred From</i>	<i>Transferred to</i>
<i>A-01-5-5142.412</i>	<i>Snow Removal – Salt, Sand, Etc.</i>	<i>\$25,000</i>	
<i>Capital Fund #211</i>	<i>Salt Shed</i>		<i>\$25,000</i>

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

RESOLUTION #34-21

PL #27-21

By Alderman _____, Seconded by Alderman _____

RESOLUTION AUTHORIZING THE TRANSFER OF FUNDS FROM GENERAL FUND CONTINGENCY TO LINE ITEM 3650.447 AND CAPITAL FUND #150

RESOLVED, that the following transfer be authorized for costs associated with the stabilization of a North Union Street property, as well as to replenish the Sidewalk Program fund:

<i>Account #</i>	<i>Description – General</i>	<i>Transferred From</i>	<i>Transferred to</i>
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<i>A-01-5-1990.590</i>	<i>General Fund Contingency</i>	<i>\$51,182</i>	
<i>A-01-5-3650.447</i>	<i>Demolition of Unsafe Buildings</i>		<i>\$22,000</i>
<i>Capital Fund #150</i>	<i>Sidewalk Program</i>		<i>\$29,182</i>

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

RESOLUTION #35-21

PL #28-21

By Alderman _____, Seconded by Alderman _____

RESOLUTION AUTHORIZING THE TRANSFER OF FUNDS FROM GENERAL FUND BALANCE TO VARIOUS CAPITAL FUNDS

RESOLVED, that the following transfer be authorized:

<i>Account #</i>	<i>Description – General</i>	<i>Transferred From</i>	<i>Transferred to</i>
<i>A-01-3-909.000</i>	<i>General Fund Balance</i>	<i>\$451,000</i>	
<i>Capital Fund #205</i>	<i>Fire Station 1 Generator</i>		<i>\$36,000</i>
<i>Capital Fund #206</i>	<i>Restriping City Streets</i>		<i>\$90,000</i>
<i>Capital Fund #207</i>	<i>Street Brickwork</i>		<i>\$100,000</i>
<i>Capital Fund #208</i>	<i>South Union Street Gateway</i>		<i>\$150,000</i>
<i>Capital Fund #209</i>	<i>Central Fire Station HVAC</i>		<i>\$50,000</i>
<i>Capital Fund #210</i>	<i>Recreation Center Digital Sign</i>		<i>\$25,000</i>

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

RESOLUTION #36-21

PL #29-21

By Alderman _____, Seconded by Alderman _____

RESOLUTION AUTHORIZING THE TRANSFER OF FUNDS FROM WATER FUND BALANCE AND SEWER FUND BALANCE TO VEHICLE REPLACEMENT FUND

RESOLVED, that the following transfer be authorized for costs associated with the purchase of a street sweeper (\$109,000 from Sewer Fund Balance), a vacuum truck (\$390,000 from Sewer Fund Balance), and a loader (\$47,000 from Water Fund Balance and \$47,000 from Sewer Fund Balance):

<i>Account #</i>	<i>Description – General</i>	<i>Transferred From</i>	<i>Transferred to</i>
<i>F-06-3-909.000</i>	<i>Water Fund Balance</i>	<i>\$47,000</i>	
<i>G-07-3-909.000</i>	<i>Sewer Fund Balance</i>	<i>\$546,000</i>	
<i>Capital Fund #102</i>	<i>Vehicle Replacement Fund</i>		<i>\$593,000</i>

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

RESOLUTION #37-21

PL #30-21

By Alderman _____, Seconded by Alderman _____

RESOLUTION AUTHORIZING THE TRANSFER OF FUNDS FROM BUILDING REPAIRS TO FIRE – REPAIRS TO EQUIPMENT

RESOLVED, that the following transfer be authorized for costs associated with construction at Central Fire Station:

<i>Account #</i>	<i>Description – General</i>	<i>Transferred From</i>	<i>Transferred to</i>
<i>A-01-5-1620.444</i>	<i>Building Repairs</i>	<i>\$24,554.13</i>	
<i>A-01-5-3410.444</i>	<i>Fire – Repairs to Equipment</i>		<i>\$24,554.13</i>

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

RESOLUTION #38-21
PL #31-21

By Alderman _____, Seconded by Alderman _____

**RESOLUTION CONFIRMING THE APPOINTMENT
OF JOSHUA MILLER FOR THE BOARD OF ASSESSMENT REVIEW**

RESOLVED, that the Common Council confirms the Mayoral appointment of Joshua Miller for the Board of Assessment Review.

IT IS FURTHER RESOLVED, that this Resolution will be effective immediately.

RESOLUTION #39-21
PL #32-21

By Alderman _____, Seconded by Alderman _____

**RESOLUTION AUTHORIZING THE TRANSFER OF FUNDS FROM WATER FUND CONTINGENCY TO
CAPITAL FUND #212**

RESOLVED, that the following transfer be authorized:

<i>Account #</i>	<i>Description – General</i>	<i>Transferred From</i>	<i>Transferred to</i>
<i>F-06-5-1990.590</i>	<i>Water Fund Contingency</i>	<i>\$50,000</i>	
<i>Capital Fund #212</i>	<i>Hydraulic Mapping</i>		<i>\$50,000</i>

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

RESOLUTION #40-21
PL #33-21

By Alderman _____, Seconded by Alderman _____

**RESOLUTION AUTHORIZING THE TRANSFER OF FUNDS FROM LINE ITEMS 5111.301 AND
5111.302 TO TREE PROGRAMS**

RESOLVED, that the following transfer be authorized:

<i>Account #</i>	<i>Description – General</i>	<i>Transferred From</i>	<i>Transferred to</i>
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<i>A-01-5-5111.301</i>	<i>Tree Programs</i>	<i>\$10,584</i>	
<i>A-01-5-5111.302</i>	<i>Emergency Clean-Up</i>	<i>\$5,250</i>	
<i>Capital Fund #185</i>	<i>Tree Program</i>		<i>\$15,834</i>

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

13. ADJOURNMENT