

# Journal of Proceedings

OF THE COMMON COUNCIL OF THE CITY OF OLEAN, N.Y.

May 23, 2017

**COMMON COUNCIL CHAMBERS  
COUNTY OF CATTARAUGUS  
STATE OF NEW YORK**

*A Regular Meeting of the Olean Common Council of the City of Olean was held on Tuesday, May 23, 2017 at 6:40 p.m.*

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

ABSENT: None

OFFICIALS: Mayor William Aiello; Al Utecht, City Clerk; Mary George, Community Development Program Coordinator; Bob Bell, Fire Chief; Jeff Rowley, Police Chief, and Tiffany Taylor, Managerial Confidential Administrative Secretary.

*At this time a prayer was given by Alderman Andreano, followed by a salute to the flag.*

**READING, CORRECTING & APPROVAL OF THE MINUTES OF THE  
PREVIOUS REGULAR MEETING**

*A motion to approve the minutes of the May 9, 2017 meeting was made by Alderman Gonzalez, seconded by Alderman Crawford. Voice vote, ayes all. Motion carried.*

**COMMITTEE REPORTS & UNFINISHED COUNCIL BUSINESS**

*Report from City Operations Committee on PL #30-17, to authorize the City of Olean to deed the premises located at 105 South 13<sup>th</sup> Street to an interested party for \$1.00 with the stipulation that the property be demolished according to the City of Olean Code of Ordinances and all other applicable laws within six (6) months of the purchase date. Committee recommends approval. Referred to City Attorney for Resolution.*

*Report from Finance Committee on PL #34-17, to create a Capital Fund for Demolition of Unsafe Buildings, and to authorize the transfer of \$115,761.79 from line item 3650.447 to the newly created Capital Fund. Committee recommends approval. Referred to City Attorney for Resolution.*

*Report from Finance Committee on PL #37-17, to create a Capital Fund for the John J. Ash Community Center Floor Replacement, and to authorize the transfer of \$35,000 from various line items to the newly created Capital Fund. Committee recommends approval. Referred to City Attorney for Resolution.*

*Report from Committee of the Whole on PL #44-17, to authorize the Mayor to execute the Coordinating Partner Public Transportation System Funding Agreement for the OATS for the fiscal year June 1, 2017 – May 31, 2018. Committee recommends approval. Referred to City Attorney for Resolution.*

*Report from Committee of the Whole on PL #48-17, to authorize the Mayor to execute an agreement with the Housing Trust Fund Corporation's New York State Home and Community Renewal for the 2016-2017 HOME Local Program. Committee recommends approval. Referred to City Attorney for Resolution.*

**COMMUNICATIONS FROM THE MAYOR**

*None*

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## MISCELLANEOUS COMMUNICATIONS

None

## CITY OFFICIAL REPORTS

None

## PROPOSED LEGISLATION AND REFERRALS

*PL #44-17: (Aiello) To authorize the Mayor to execute the Coordinating Partner Public Transportation System Funding Agreement for the OATS for the fiscal year June 1, 2017 – May 31, 2018. Referred to Committee of the Whole Tuesday, May 23, 2017 by Council President.*

*PL #45-17: (Witte) To amend the City of Olean Code of Ordinances Section 24-135 to include Prospect Avenue, South, for a distance of 880 feet from its intersection with Front Street. Referred to Regular Meeting Tuesday, June 13, 2017 by Council President.*

*PL #46-17: (Aiello) To authorized the use of up to \$350,000 from the Waterwater Treatment Plant Upgrades Project contingency to replace an additional digester cover. Referred to Regular Meeting Tuesday, May 23, 2017 by Council President.*

*PL #47-17: (Aiello) To authorize the Mayor to sign the Olean Police Patrol Union contract for the term June 1, 2015 through May 31, 2020. Referred to Regular Meeting Tuesday, May 23, 2017 by Council President.*

*PL #48-17: (Aiello) To authorize the Mayor to execute an agreement with the Housing Trust Fund Corporation's New York State Home and Community Renewal for the 2016-2017 HOME Local Program. Referred to Committee of the Whole Tuesday, May 23, 2017 by Council President.*

*PL #49-17: (Gonzalez) To amend the City of Olean Code of Ordinances Section 21-173, Café Regulations. Referred to Committee of the Whole Tuesday, May 23, 2017 by Council President.*

*PL#50-17: (Aiello) To create a Capital Fund for the Renovation of Restrooms at the City Garage. Referred to Committee of the Whole Tuesday, May 23, 2017 by Council President.*

## PUBLIC COMMENT/INPUT

*Alderman Smith stated that he had spoken with Mike Manning a couple of weeks ago when he presented to the Council, alerting to him that there is a noise issue in his neighborhood because of the Wastewater Treatment Plant. He stated that he hopes that this issue is fixed, and that we didn't pay \$20 million for a plant to make this much noise.*

*Alderman Crawford stated that he has received a list of calls regarding the SPCA and the 2017-2018 budget, and he wants the public to know that we are working with the SPCA to come up with a suitable agreement.*

*Alderman Gonzalez reminded the public not to place their lawn clippings in the street, as it can cause damage to our storm sewers. Alderman Dougherty added that street sweeping is now in effect, and urged residents to check the schedule to make sure that their vehicles are out of the roadway when necessary.*

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*John Bean of 115 North 21<sup>st</sup> Street stated that he is interested in purchasing the properties from the City that are slated to be torn down, and asked that someone contact him regarding this.*

*Scott Paoletto of 318 North 11<sup>th</sup> Street encouraged the Council to send a petition to Senator Young's office to urge the government not to proceed with the proposed drastic changes to healthcare.*

## **FINANCE / BILLS**

*By Alderman Crawford, Seconded by Alderman George*

*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 \$1,484,445.13 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.*

***ROLL CALL, AYES ALL. MOTION CARRIED.***

## **RESOLUTIONS**

### **RESOLUTION #37-17**

#### **PL #40-17**

*By Alderman Dougherty, Seconded by Alderman George*

#### **TO AMEND THE CITY OF OLEAN CODE OF ORDINANCES SECTION 21-108 TO AMEND FINES FOR CONTRACTORS FOR FAILURE TO OBTAIN PERMITS**

***RESOLVED**, that Section 21-108, paragraph (d) of the City of Olean Code of Ordinances is hereby amended as follows:*

*(d) Violations of this article shall be unlawful and subject to paying double the permit application fee as listed in the fee schedule adopted from time to time by resolution of the Common Council, as well as the following:*

*First offense: \$100 fine;*

*Second offense: up to \$250 fine;*

*Third or more offense: up to \$1,000 fine.*

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

***ROLL CALL, AYES ALL. MOTION CARRIED.***

### **RESOLUTION #42-17**

#### **PL #44-17**

*By Alderman Witte, Seconded by Alderman Andreano*

#### **TO AUTHORIZE THE MAYOR TO EXECUTE THE COORDINATING PARTNER PUBLIC TRANSPORTATION SYSTEM FUNDING AGREEMENT FOR THE OATS FOR THE FISCAL YEAR JUNE 1, 2017 – MAY 31, 2018**

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

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

***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;*

***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;*

***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 transportation services to provide cost efficiency to the community;*

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

***WHEREAS**, the financial contribution from partnering agencies will be reviewed, at least, semi-annually during the public transportation system operating year to consider actual operating data and projected costs to continue or to change the transportation services provided associated with this agreement;*

***WHEREAS**, the calculated share of system costs associated with passenger utilization or total service miles may be reduced by the availability of financial commitments from other partner agencies to the operation of the OATS;*

***WHEREAS**, such cost savings may result in a reduction to the financial contribution by a partner to the cost of shared services during fiscal year June 1, 2017 through May 31, 2018;*

***WHEREAS**, the operation of the OATS, including the incorporation of certain public transportation services associated with St. Bonaventure University, and system wide administration costs, are estimated to cost \$666,767.80 during fiscal year June 1, 2017 through May 31, 2018;*

***WHEREAS**, the City of Olean has agreed to assume the 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;*

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

***WHEREAS**, the Cattaraugus County Department of Social Services (CCDSS) et al will contribute \$14,329.80 to the operation of the OATS in fiscal year ending May 31, 2018;*

***WHEREAS**, the NYSARC Inc., Cattaraugus County Chapter, will contribute \$37,751.37 to the operation of the OATS in fiscal year ending May 31, 2018;*

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**WHEREAS**, the Seneca Nation of Nation will contribute \$25,184.66 to the operation of the OATS system in fiscal year ending May 31, 2018;

**WHEREAS**, the St. Bonaventure University will contribute \$47,316.87, including an additional \$4,295.04 for the operation of a second late night service bus on 16 Friday and Saturday nights in January, February, and March 2018, to the operation of the OATS in fiscal year ending May 31, 2018;

**WHEREAS**, it is agreed that CCDSS, the NYSARC Inc., Cattaraugus County Chapter, the Seneca Nation of Indians and St. Bonaventure University agree to provide financial contributions to the OATS during fiscal year June 1, 2017 through May 31, 2018;

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor is authorized to execute a Coordinating Partner - Public Transportation System Funding Agreement between the County of Cattaraugus, NYSARC, Inc. Cattaraugus County Chapter, St. Bonaventure University and the Seneca Nation of Indians for OATS bus service reimbursement for the fiscal year 2017-2018.

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

**ROLL CALL, AYES ALL. MOTION CARRIED.**

## **RESOLUTION #44-17**

### **PL #46-17**

By Alderman Gonzalez, Seconded by Alderman Crawford

#### **TO AUTHORIZE THE USE OF UP TO \$350,000 OF PROJECT CONTINGENCY FUNDS FOR THE WASTEWATER TREATMENT PLANT UPGRADES PROJECT FOR COSTS ASSOCIATED WITH THE REPLACEMENT OF A DIGESTER COVER**

**WHEREAS**, the City of Olean Common Council approved a Bond Resolution on October 9, 2012 for the Wastewater Treatment Plant Upgrades Project, which was amended and restated on January 14, 2014 and again on June 23, 2015; and

**WHEREAS**, an unforeseen need to replace a digester cover has necessitated the use of contingency funds built into the original funding for the necessary replacement; and

**WHEREAS**, no additional funding from the City is required for the project at this time, only consent to use contingency built into the original project funding;

**BE IT RESOLVED**, that the Common Council authorizes the use of up to \$350,000 of project contingency funds for the Wastewater Treatment Plant Upgrades Project for costs associated with the replacement of a digester cover.

**RESOLVED**, if additional funding is necessary for said project, either from project contingency or other sources, O'Brien and Gere, the consultants hired for the project will be required to approach the Council for additional discussion.

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

**ROLL CALL, AYES ALL. MOTION CARRIED.**

## **RESOLUTION #45-17**

### **PL #34-17**

By Alderman Gonzalez, Seconded by Alderman Witte

#### **RESOLUTION CREATING A CAPITAL FUND FOR THE DEMOLITION OF UNSAFE BUILDINGS**

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*RESOLVED, that a Capital Fund #177 account shall be created for Demolition of Unsafe Buildings.*

*BE IT FURTHER RESOLVED, that the Common Council hereby authorizes the transfer of \$115,761.79 from Demolition of Unsafe Buildings (Line Item 3650.447) to this newly created Capital Fund #177 for the Demolition of Unsafe Buildings.*

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

**ROLL CALL, AYES ALL. MOTION CARRIED.**

**RESOLUTION #46-17**

**PL #37-17**

*By Alderman Witte, Seconded by Alderman Smith*

**RESOLUTION CREATING A CAPITAL FUND FOR THE REPLACEMENT OF THE JOHN J. ASH COMMUNITY CENTER FLOOR**

*RESOLVED, that a Capital Fund #182 account shall be created for the replacement of the John J. Ash Community Center floor.*

*BE IT FURTHER RESOLVED, that the Common Council hereby authorizes the following budget transfers:*

<i>Account #</i>	<i>Description – General</i>	<i>Transferred From</i>	<i>Transferred to</i>
<i>A-01-5-7150.412</i>	<i>Chemicals</i>	<i>\$2,500</i>	
<i>A-01-5-7150.425</i>	<i>Fuel For Heating</i>	<i>\$4,500</i>	
<i>A-01-5-7150.445</i>	<i>Building Repairs</i>	<i>\$3,500</i>	
<i>A-01-5-7310.467</i>	<i>Programs</i>	<i>\$6,000</i>	
<i>A-01-5-7140.419</i>	<i>Concession Inventory</i>	<i>\$9,000</i>	
<i>A-01-5-7140.220</i>	<i>Recreation Equipment</i>	<i>\$6,000</i>	
<i>A-01-5-7140.220</i>	<i>Programs</i>	<i>\$3,500</i>	
<i>Capital Fund #182</i>	<i>John J. Ash Building – Floor Replacement</i>		<i>\$35,000</i>

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

**ROLL CALL, AYES ALL. MOTION CARRIED.**

*A motion to amend Resolution #48-17 to state “Mayor William J. Aiello” instead of “Mayor” was made by Alderman Gonzalez, seconded by Alderman Smith. Voice vote, ayes all. Motion carried.*

**RESOLUTION #48-17**

**PL #48-17**

*By Alderman Witte, Seconded by Alderman George*

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***TO AUTHORIZE THE MAYOR TO EXECUTE AN AGREEMENT WITH THE HOUSING TRUST FUND CORPORATION'S NEW YORK STATE HOME AND COMMUNITY RENEWAL FOR THE 2016-2017 HOME LOCAL PROGRAM***

*WHEREAS, the City of Olean applied for \$400,000 in funding from the Housing Trust Fund Corporation's New York State Home and Community Renewal for the 2016-2017 HOME Local Program for purchase assistance including down payment and closing cost fees; and*

*WHEREAS, the City was awarded said funding;*

*NOW, THEREFORE, BE IT RESOLVED, that the City of Olean Common Council accept the \$400,000 award and that Mayor William J. Aiello, as the representative designated to act on behalf of the City of Olean in all matters related to State assistance for these projects, is authorized to execute the Grant Agreement, request State advances and reimbursements, submit project documentation, and otherwise act for the applicant in all matters related to project funding and to State assistance.*

*RESOLVED, that this Resolution is effective immediately.*

**ROLL CALL, AYES ALL. MOTION CARRIED.**

*A motion to enter into executive session to discuss collective negotiations pursuant to Article 14 of the Civil Service Law was made by Alderman Gonzalez, seconded by Alderman Smith. Voice vote, ayes all. Motion carried. Executive session began at approximately 7:15 p.m.*

*A motion to adjourn from executive session was made by Alderman Gonzalez, seconded by Alderman George. Voice vote, ayes all. Motion carried. Executive session adjourned at approximately 7:25 p.m.*

**RESOLUTION #47-17**

**PL #47-17**

*By Alderman Crawford, Seconded by Alderman Witte*

***RESOLUTION AUTHORIZING THE MAYOR TO SIGN THE OLEAN POLICE PATROL UNION LABOR CONTRACT***

*RESOLVED, that Mayor William J. Aiello is hereby authorized to sign the Labor Contract for the Patrol Unit of Olean Police Local 967 and New York State Law Enforcement Officers Union, Council 82 of the American Federation of State, County, and Municipal Employees, AFL-CIO, in accordance with the settlement memorandum between the City of Olean and the Collective Bargaining Unit involved.*

*RESOLVED, that this Resolution is effective immediately.*

**ROLL CALL, AYES ALL. MOTION CARRIED.**

**ADJOURNMENT**

*Motion to adjourn was made by Alderman Gonzalez, seconded by Alderman Dougherty. Voice vote, ayes all. Motion carried. Meeting adjourned at approximately 7:30 p.m.*

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*Alexander Utecht, City Clerk*

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\_\_\_\_\_  
*Mayor William J. Aiello*

\_\_\_\_\_  
*Paul Gonzalez, Council President*

*I hereby approve the foregoing minutes*

*Dated: \_\_\_\_/\_\_\_\_/\_\_\_\_\_*

**STATE OF NEW YORK  
COUNTY OF CATTARAUGUS  
CITY OF OLEAN**

*I, Alexander Utecht, City Clerk of the City of Olean, do hereby certify that the foregoing minutes of the Common Council of the City of Olean is the true and correct copy of the whole thereof.*

\_\_\_\_\_  
*Alexander Utecht, City Clerk*