

Journal of Proceedings

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

June 13, 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, June 13, 2017 at 6:55 p.m.

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

ABSENT: Alderman Crawford

OFFICIALS: Mayor William Aiello; Al Utecht, City Clerk; Nicholas DiCerbo, Jr., City Attorney; Fred Saradin, City Auditor; Mary George, Community Development Program Coordinator, and Tiffany Taylor, Managerial Confidential Administrative Secretary

At this time a prayer was given by Rev. Jerry leFeber, former Ward 1 Alderman, 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 23, 2017 meeting was made by Alderman Gonzalez, seconded by Alderman Andreano. Voice vote, ayes all. Motion carried.

COMMITTEE REPORTS & UNFINISHED COUNCIL BUSINESS

Report from Committee of the Whole on PL #51-17, to authorize National Grid to add eight (8) City-owned "energy-only" streetlights to the City's existing Service Classification No. 3 streetlight bill, Account No. 08938-79108, utilizing City-owned poles that are located along Constitution Avenue Extension (Gateway Project Roadway). Committee recommends approval. Referred to City Attorney for Resolution.

Report from Committee of the Whole on PL #52-17, to amend sewer rates pursuant to Section 27-167(A) of the City of Olean Code of Ordinances. Committee recommends approval. Referred to City Attorney for Resolution.

Report from Committee of the Whole on PL #53-17, that the Common Council supports the preparation of an application to Empire State Development for Round II of the statewide Downtown Revitalization Initiative as well as a new opportunity to apply for funding under the Western New York Smart Growth Fund and authorizes the Mayor to sign and submit said application which is due June 14, 2017. Committee recommends approval. Referred to City Attorney for Resolution.

Report from Committee of the Whole on PL #57-17, to authorize Cattaraugus County and the Olean Business Development Corporation to complete a Baseball Field Complex Improvements Project at Forness Park, and to authorize the Mayor to sign and submit any relevant materials to both Cattaraugus County and the Olean Business Development Corporation in relation to this Project. Committee recommends approval. Referred to City Attorney for Resolution.

Report from Committee of the Whole on PL #58-17, to authorize the use of up to \$155,000 of contingency funding for the William O. Smith Recreation Center Upgrades Project for additional items throughout the project. Committee recommends approval. Referred to City Attorney for Resolution.

Journal of Proceedings

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

June 13, 2017

COMMUNICATIONS FROM THE MAYOR

None

MISCELLANEOUS COMMUNICATIONS

None

CITY OFFICIAL REPORTS

None

PROPOSED LEGISLATION AND REFERRALS

PL #51-17: (Aiello) To authorize National Grid to add eight (8) City-owned "energy only" streetlights to the City's existing Service Classification No. 3 streetlight bill, Account No. 08938-79108, utilizing City-owned poles that are located along Constitution Avenue Extension (Gateway Project Roadway). Referred to Committee of the Whole Tuesday, June 13, 2017 by Council President.

PL #52-17: (Aiello) To amend sewer rates pursuant to Section 27-167(A) of the City of Olean Code of Ordinances. Referred to Committee of the Whole Tuesday, June 13, 2017 by Council President.

PL #53-17: (Aiello) That the Common Council supports the preparation of an application to Empire State Development for Round II of the Statewide Downtown Revitalization Initiative as well as a new opportunity to apply for funding under the Western New York Smart Growth Fund and authorizes the Mayor to sign and submit said application which is due June 14, 2017. Referred to Committee of the Whole Tuesday, June 13, 2017 by Council President.

PL #54-17: (Andreano) To authorize the deed transfer for a property located along Kingston Drive in the City of Olean for \$1.00 to a citizen in exchange for necessary work to correct drainage issues in the area. Referred to City Operations Committee by Council President.

PL #55-17: (Crawford) To authorize the transfer of up to \$45,000 from General Fund Surplus to line item 5111.301, Tree Program, to cover the cost of pruning 13 trees and removing 23 trees throughout the City of Olean. Referred to Finance Committee by Council President.

PL #56-17: (Aiello) To authorize the Mayor to enter into an agreement with Cattaraugus County for the Department of Aging Senior Wellness and Nutrition Program. Referred to Committee of the Whole Tuesday, June 27, 2017 by Council President.

PL #57-17: (Gonzalez) To authorize Cattaraugus County and the Olean Business Development Corporation to complete a Baseball Field Complex Improvements Project at Forness Park, and authorize the Mayor to sign and submit any relevant materials to both Cattaraugus County and the Olean Business Development Corporation in relation to this Project. Referred to Committee of the Whole Tuesday, June 13, 2017 by Council President.

PL #58-17: (Aiello) To authorize the use of up to \$155,000 of contingency funding for the William O. Smith Recreation Center Upgrades Project for additional items throughout the project. Referred to Committee of the Whole Tuesday, June 13, 2017 by Council President.

Journal of Proceedings

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

June 13, 2017

PUBLIC COMMENT/INPUT

Alderman Smith stated that he was approached by a citizen who would like to see the City use some of the citizen's tax dollars to erect flags throughout the City. He stated also that the noise that he previously brought to our attention from the Wastewater Treatment Plant is almost completely eliminated, and Mr. Manning from O'Brien and Gere continues to work on the issue. He thanked Mayor Aiello for staying on this.

Mr. Saradin stated that this morning, he went over the details on the BAN and Bond with Mr. Alessi. He stated that the BAN came in at 1.26%, and the Bond came in at a rate of 2% for the first 8 to 10 years, with an average rate of 2.32% for the life of the Bond. He stated that he feels the Council should be commended on making the decision to convert to a Bond, as well as to reban the Recreation Center Project.

Scott Paoletto of 318 North 11th Street questioned where he could get information regarding the Council's work sessions. He also stated that the flower pots throughout the City need water. Finally, he questioned what was being done with the monies that the County gave the City to use for demolition.

Alderman Gonzalez replied that the City was given several houses from the County with the intent of deciding whether to demolish or pass along for rehabilitation, but we were given no monies in connection with this. What we did receive was a \$100,000 LISC grant used to hire an additional part time Building Inspector and part time Attorney, but this money was explicitly forbidden to be used for demolition.

Alderman Smith added that you can always look at the City website to see when upcoming meetings and work sessions are held.

FINANCE / BILLS

None

RESOLUTIONS

RESOLUTION # 43-17

PL #45-17

By Alderman Witte, Seconded by Alderman Andreano

TO AMEND THE CITY OF OLEAN CODE OF ORDINANCES SECTION 24-135 TO INCLUDE PROSPECT AVENUE, SOUTH, FOR A DISTANCE OF 880 FEET EAST FROM ITS INTERSECTION WITH FRONT STREET

RESOLVED, that the City of Olean Code of Ordinances Section 24-135, Prohibited from designated sign to corner, is amended to include the following:

<i>Street</i>	<i>Side</i>	<i>Extent</i>
<i>Prospect Avenue</i>	<i>South</i>	<i>For a distance of 880 feet east from its intersection</i>
		<i>with Front Street</i>

RESOLVED, that this Resolution is effective immediately.

ROLL CALL, AYES ALL. MOTION CARRIED.

Alderman Andreano questioned if there was something in the Code that defined a café, as she has an issue with the wording that involves music and noise. Mr. DiCerbo replied

Journal of Proceedings

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

June 13, 2017

that a café can be anywhere where a restaurant can be licensed, and in this section of the ordinance is outside on the sidewalk. He stated that this is only changing conflicting language that was in parts of the statute passed two years ago, and that nothing is being added.

Alderman Smith stated that he believes that Alderman Andreano has a point regarding noise concerns, and he urged the Council to stay tuned to this issue so that it can be addressed, if needed.

RESOLUTION #49-17

PL #49-17

By Alderman Gonzalez, Seconded by Alderman Dougherty

TO AMEND THE CITY OF OLEAN CODE OF ORDINANCES SECTION 21-173, CAFÉ REGULATIONS

RESOLVED, that the City of Olean Code of Ordinances Section 21-173, Café Regulations, is amended as follows:

Sec. 21-173 Café regulations.

A café authorized and operated pursuant to this article shall:

- (1) Comply with the plans submitted and approved by Code Enforcement;*
- (2) Sale and consumption of alcoholic beverages in the outdoor café must be authorized by the licensees;*
- (3) Must not serve or permit consumption of alcoholic beverages on or at any sidewalk café after 11:00 p.m. before 8:00 a.m.;*
- (4) Remove from the temporary enclosure furniture and other equipment used in operation of the café no later than one-half hour after closing of the applicant's adjacent place of business; and*
- (5) Not permit any music to be played outdoors after 11:00 p.m.*

RESOLVED, that this Resolution is effective immediately.

ROLL CALL, AYES ALL EXCEPT ALDERMAN ANDREANO, WHO VOTED NAY. MOTION CARRIED.

RESOLUTION #52-17

PL #52-17

By Alderman George, Seconded by Alderman Witte

RESOLUTION AUTHORIZING THE ADDITION OF EIGHT (8) ENERGY-ONLY STREETLIGHTS ON CONSTITUTION AVENUE EXTENSION

RESOLVED, that the Common Council, on behalf of the City of Olean, authorizes National Grid to add eight (8) City-owned "energy-only" streetlights to the City's existing Service Classification No. 3 streetlight bill, Account No. 08938-79108. The City-owned "energy-only" streetlights utilizing City-owned poles are located along Constitution Avenue Extension (Gateway Project Roadway).

RESOLVED, that this Resolution is effective immediately.

ROLL CALL, AYES ALL. MOTION CARRIED.

Journal of Proceedings

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

June 13, 2017

RESOLUTION #53-17

PL #52-17

By Alderman Gonzalez, Seconded by Alderman Witte

TO AMEND SEWER RATES PURSUANT TO SECTION 27-167 OF THE CITY OF OLEAN CODE OF ORDINANCES

WHEREAS, sewer services provided by the City of Olean shall from time to time in each case be established by the Common Council pursuant to Chapter 27, Article III, Division 5, Section 27-167;

WHEREAS, a public hearing was held on June 13, 2017 in the Council Chambers at 6:15 p.m. pursuant to Section 27-167 of the City of Olean Code of Ordinances;

RESOLVED, that sewer services provided within the boundaries of the City, sewer rates shall be as follows:

Monthly:

RESIDENTIAL RATES

SEWER:

.00907 cents per gallon

COMMERCIAL RATES

SEWER:

.00907 cents per gallon

INDUSTRIAL

SEWER:

.00743 cents per gallon

RESIDENTIAL RATES OUTSIDE THE CITY

SEWER:

.013615 cents per gallon

COMMERCIAL RATES OUTSIDE THE CITY

SEWER:

.013615 cents per gallon

INDUSTRIAL RATES OUTSIDE THE CITY

SEWER:

.010915 cents per gallon

IT IS FURTHER RESOLVED, that the water rates and sewer rates set forth above shall take effect July 1, 2017 and will be reflected in the billing sent out beginning September 1, 2017.

ROLL CALL, AYES ALL. MOTION CARRIED.

Journal of Proceedings

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

June 13, 2017

RESOLUTION #54-17

PL #53-17

By Alderman Witte, Seconded by Alderman George

THAT THE COMMON COUNCIL SUPPORTS THE PREPARATION OF AN APPLICATION TO EMPIRE STATE DEVELOPMENT FOR ROUND II OF THE STATEWIDE DOWNTOWN REVITALIZATION INITIATIVE AS WELL AS A NEW OPPORTUNITY TO APPLY FOR FUNDING UNDER THE WESTERN NEW YORK SMART GROWTH FUND AND AUTHORIZES THE MAYOR TO SIGN AND SUBMIT SAID APPLICATION WHICH IS DUE JUNE 14, 2017

WHEREAS, in the spring of 2016 Governor Cuomo introduced a major new initiative – the Downtown Revitalization Initiative (DRI) – which invested \$100 million in ten communities Statewide to develop downtown strategic investment plans and implement key catalytic projects that advance each community’s vision for revitalization, promote sustainable economic development, and create places where the next generation of New Yorkers can raise their families, work, and enjoy the diversity of recreational activities all within their downtowns; and

WHEREAS, the 2017 Executive and Enacted New York budget includes a new \$100 million round of the DRI, providing a \$10 million award to ten new communities for DRI Round II funding; and

WHEREAS, the Western New York Regional Council is also providing a new opportunity, the Smart Growth Community Fund, eligible to this region’s communities who are not nominated as the \$10 million winner of this 2017 statewide DRI competition for additional funding for transformative improvements to their city, town, or village downtowns; and

WHEREAS, the City of Olean, Cattaraugus County, Olean Business Development Corporation, the Olean CEO Executive Alliance, Urban Renewal Agency and other community organizations have formed a collaborative relationship and are actively engaged in planning activities to support the revitalization and renewal of the City of Olean’s downtown;

NOW, THEREFORE, BE IT RESOLVED, that the City of Olean’s 2017 Downtown Revitalization Initiative Request for Designation is hereby approved for submission to Empire State Development (ESD) and the Western New York Regional Economic Development Council (WNYREDC); and

BE IT FURTHER RESOLVED, that Mayor William Aiello is hereby authorized to submit the request to ESD and the WNYREDC.

RESOLVED, that this Resolution is effective immediately.

ROLL CALL, AYES ALL. MOTION CARRIED.

RESOLUTION #55-17

PL #57-17

By Alderman Gonzalez, Seconded by Alderman Andreano

RESOLUTION AUTHORIZING PARTICIPATION IN BASEBALL FIELD COMPLEX IMPROVEMENT PROJECT

Journal of Proceedings

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

June 13, 2017

WHEREAS, the Cattaraugus County Legislature has adopted Act No. 187-2017 authorizing the County to contract with the Olean Business Development Corporation for the Cattaraugus County Youth Baseball Project; and

WHEREAS, Cattaraugus County desires to assist municipalities and non-profit organizations in the repair, maintenance and upgrade of youth baseball fields in an effort to attract, promote and support travel tournament play and youth enjoyment and recreation programs; and

WHEREAS, pursuant to the terms of the contract between Cattaraugus County and the Olean Business Development Corporation, the County requires the owner of the real property upon which the baseball field or complex is situated, by a legally adopted resolution if it be a municipality, to execute an affirmation of agreement authorizing said project and maintaining the same; and

WHEREAS, pursuant to the terms of the contract between Cattaraugus County and the Olean Business Development Corporation, the County requires any youth baseball organization seeking funds to submit a written request that will include a description of the project and scope of work, approximate cost, contract information for the applicant and a statement affirming that funds will be utilized exclusively for the repair, maintenance and upgrade of field or complex; and

WHEREAS, the City of Olean desires to partner with Cattaraugus County and the Olean Business Development Corporation in the repair, maintenance and upgrade of said youth baseball field and/or complex;

NOW, THEREFORE, BE IT RESOLVED, that William J. Aiello as Mayor of the City of Olean, is hereby authorized and directed to sign and submit with any relevant application materials to both the County of Cattaraugus and the Olean Business Development Corporation this affirmation of agreement from the City authorizing said project as presented to be completed on property owned by the City at 740 Hoop Street, Olean, New York, commonly known as "Forness Park", and

BE IT FURTHER RESOLVED, that the City of Olean hereby agrees to indemnify and hold Cattaraugus County harmless from any claims or causes of action which may result, directly or indirectly from the acceptance of funds or subsequent repairs; and

BE IT FURTHER RESOLVED, that the City of Olean hereby declares its intention to maintain such repairs and upgrades to the extent possible; and

BE IT FURTHER RESOLVED, that William J. Aiello as Mayor is hereby authorized to execute any additional documents necessary in furtherance of this Resolution.

RESOLVED, that this Resolution is effective immediately.

ROLL CALL, AYES ALL. MOTION CARRIED.

RESOLUTION #56-17

PL #58-17

By Alderman Witte, Seconded by Alderman Dougherty

TO AUTHORIZE THE USE OF UP TO \$155,000 OF CONTINGENCY FUNDING FOR THE WILLIAM O. SMITH RECREATION CENTER UPGRADES PROJECT FOR ADDITIONAL ITEMS THROUGHOUT THE PROJECT

Journal of Proceedings

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

June 13, 2017

WHEREAS, the City of Olean Common Council awarded contracts for the William O. Smith Recreation Center Upgrades Project through Resolution #16-17 on February 28, 2017; and

WHEREAS, the Common Council approved Bond Resolution #41-17 on April 26, 2017 to fund said project; and

WHEREAS, through the course of the project, additional items have been found that require expenditures of the project's budgeted contingency; and

WHEREAS, up to \$155,000 of the \$324,969 contingency is required for said items; and

WHEREAS, no additional funding on the part of the City is required;

NOW, THEREFORE, BE IT RESOLVED, that the Common Council authorizes the use of up to \$155,000 from the William O. Smith Recreation Center Upgrades Project contingency fund for additional items found during the project.

RESOLVED, that this Resolution is effective immediately.

ROLL CALL, AYES ALL. MOTION CARRIED.

EXECUTIVE SESSION

A motion to enter into executive session to discuss personnel issues was made by Alderman Gonzalez, seconded by Alderman Dougherty. 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 Dougherty. Voice vote, ayes all. Motion carried. Executive session adjourned at approximately 7:30 p.m.

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.

Alexander Utecht, City Clerk

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**

Journal of Proceedings

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

June 13, 2017

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