

# Journal of Proceedings

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

July 25, 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, July 25, 2017 at 7:00 p.m.*

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

ABSENT: None

OFFICIALS: Mayor William Aiello; Al Utecht, City Clerk; Nicholas DiCerbo, Jr., City Attorney; Fred Saradin, City Auditor; 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 July 11, 2017 meeting was made by Alderman Gonzalez, seconded by Alderman Andreano. Voice vote, ayes all. Motion carried.*

**COMMITTEE REPORTS & UNFINISHED COUNCIL BUSINESS**

*Report from City Operations Committee on PL #65-17, to authorize the sale of surplus City-owned property located at 1 Olds Court, Olean to a private entity. Committee recommends approval. Referred to City Attorney for Resolution.*

*Report from Committee of the Whole on PL #63-17, to authorize the Mayor to enter into an agreement with Vito Sportelli for Professional Services relating to transportation through May 31, 2019. Committee recommends approval. Referred to City Attorney for Resolution.*

*Report from Committee of the Whole on PL #64-17, that the Mayor is authorized to submit a CFA application for the Bradner Stadium / Forness Trail Recreation Project. Committee recommends approval. Referred to City Attorney for Resolution.*

*Report from Committee of the Whole on PL #66-17, to authorize the Mayor to sign and submit a Community Development Block Grant Application to the Housing Trust Fund Corporation under the Microenterprise Program in partnership with Olean Business Development. Committee recommends approval. Referred to City Attorney for Resolution.*

*Report from Committee of the Whole on PL #67-17, to authorize the Mayor to enter into a Grant Agreement with the Federal Aviation Administration for the Cattaraugus County – Olean Airport Perimeter Fence Replacement - Phase II. Committee recommends approval. Referred to City Attorney for Resolution.*

*Report from Committee of the Whole on PL #69-17, that the Mayor is authorized to submit a CFA application for the Walkable Olean Phase III Intersection Improvement Project. Committee recommends approval. Referred to City Attorney for Resolution.*

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*Report from Committee of the Whole on PL #70-17, to authorize the Mayor to sign an easement agreement for the construction of the Olean Creek Bicycle – Pedestrian Crossing Project. Committee recommends approval. Referred to City Attorney for Resolution.*

## **COMMUNICATIONS FROM THE MAYOR**

*Letter of Retirement – John Ricci, Water Department employee of 35 years, effective August 2, 2017*

*Letter of Retirement – John Anastasia, Youth and Recreation Department Director and Recreation Department employee of 33 years, effective August 23, 2017*

## **MISCELLANEOUS COMMUNICATIONS**

*Renewal of a Liquor License – Amy Yaudes, The Plant Tavern – 1201 North Union Street*

## **CITY OFFICIAL REPORTS**

*None*

## **PROPOSED LEGISLATION AND REFERRALS**

*PL #66-17: (Aiello) To authorize the Mayor to sign and submit a Community Development Block Grant application to the Housing Trust Fund Corporation under the Microenterprise Program in partnership with Olean Business Development. Referred to Committee of the Whole Tuesday, July 25, 2017 by Council President.*

*PL #67-17: (Aiello) To authorize the Mayor to enter into a Grant Agreement with the Federal Aviation Administration for the Cattaraugus County – Olean Airport Perimeter Fence Replacement – Phase II. Referred to Committee of the Whole Tuesday, July 25, 2017 by Council President.*

*PL #68-17: (Aiello) To amend and replace the City of Olean Code of Ordinances Chapter 5, Article I, Section 5-3, Fowl Running at Large Prohibited, to “Animals Running at Large Prohibited”. Referred to Public Safety Committee by Council President.*

*PL #69-17: (Aiello) That the Mayor is authorized to submit a CFA application for the Walkable Olean Phase III Intersection Improvement Project. Referred to Committee of the Whole Tuesday, July 25, 2017 by Council President.*

*PL #70-17: (Aiello) To authorize the Mayor to sign an easement agreement for the construction of the Olean Creek Bicycle – Pedestrian Crossing Project. Referred to Committee of the Whole Tuesday, July 25, 2017 by Council President.*

## **PUBLIC COMMENT/INPUT**

*Alderman Witte stated that she has been getting calls regarding the “No Parking” signs for Prospect Avenue. She stated that now that the Streets Department is finishing up with potholes, they will be getting to the signs. Mayor Aiello added that he will pass along an estimated date of completion as soon as he has it.*

*Mayor Aiello stated that he has received a lot of comments regarding the potholes being filled. He stated that the Department of Public Works is doing a great job.*

*Alderman Crawford asked for an update on the Wayne Street project, and Mayor*

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*Aiello stated that he would get an update out to the Council.*

*Gordon Baldwin of 414 Prospect Avenue stated that the drains on Front Street are caving in, and a lot of the drains through the City are in need of repair. He also stated that when there is heavy rain, it seems that the mulch on North Union Street runs into the drains. He suggested replacing the mulch with pea gravel.*

*Chris Stanley of 3406 Buffalo Road, Allegany stated that he owns rental property in the City of Olean. He stated that the Ordinance that the Council is considering for rental property inspections seems wonderful, and he feels that it will take care of all sorts of problems. He stated that the money raised by doing inspections could ramp up the Code Enforcement office which would be a benefit as well. He is worried that the Council is backing down on the legislation and watering it down, and he asked that the Council stick to their guns. He encouraged the Council to hold public hearings to allowed landlord and tenants alike to be heard on the issue.*

*Marcia Kelley stated that she has spoken with tenants with “bad” landlords throughout the City, who report problems such as bedbugs, maggots, no smoke alarms, no heat, mold, roaches, standing water, animal feces, broken windows and more. Landlords ignore calls, or don’t come to make repairs when they say they will. She commended the Council for what they are trying to do with the legislation.*

*Marsha Nandillon of 214 South Clinton Street stated that she has heard all sorts of stories regarding what is going on with landlords. She stated that people with mental and physical issues are afraid of being thrown out of their apartments for calling Codes with issues. Although landlords do need protection, so do the tenants.*

*Kevin Bartholomew of 737 Bishop Street stated that he feels that Social Services should be held partially accountable when a tenant moves into an apartment and trashes it, causing issues for the landlord. He also stated that he hopes that the Wayne Street project starts soon, as when school starts, the road closure could cause a wide array of issues. He also stated that he mentioned restriping West State Street two weeks ago, and now that he sees the State working on the intersections on the West end, he wonders if we could work with them to see if they could contribute to funding the restriping.*

*Kelly Sweet of 311 Laurens Street Apartment 1 stated that she is rampantly opposed to the landlord inspections. She stated that she feels that it is an invasion of their privacy, and that the City needs to handle the people that are the problem and not “punish” those who have done nothing wrong. She feels like she is being treated like a second class citizen since she chooses to rent.*

*Cheryl Anderson of 116 North 10<sup>th</sup> Street stated that she is a landlord in Olean and in Buffalo. She stated that her feet are held to the fire in Buffalo, and they are very, very strict with their landlord. She respects that, and wishes to see the same success story happen in Olean. She thinks that it would be great to see the Council get behind a strict bill to hold landlords accountable. She stated that we also really need to beef up Code Enforcement and give the department teeth to make changes and get things done.*

*Scott Paoletto of 318 North 11<sup>th</sup> Street stated that the airport is in the red, not the black, and we should consider what kind of commitment we are making if we accept the FAA funding. He also stated that we should investigate where we are losing water throughout the City. He also asked if it would cost the City more money to have the trail between Forness and Bradner Stadium, and if it would become a burden to the police chief.*

*Kevin Bartholomew added that he feels that four pedestrian lights at the intersection*

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*of Barry and East State would be a lot cheaper than adding a traffic circle.*

## **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 \$1,709,165.11 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 #61-17**

#### **PL #65-17**

By Alderman Smith, Seconded by Alderman Crawford

### **AN ORDINANCE DISCONTINUING AND ABANDONING ALL OF OLDS COURT FROM ITS INTERSECTION WITH NORTH 13<sup>TH</sup> STREET**

**WHEREAS**, the City street known as Olds Court, a dead end street, is wholly located within Tax Map No. 94.064-1-27; and

**WHEREAS**, the City has not maintained Olds Court as a City street for a period in excess of 10 years; and

**WHEREAS**, the discontinuance and abandonment of said street has been considered and approval thereof has been recommended by the City Operations Committee; and

**WHEREAS**, the real owner of the real property identified as Tax Map No. 94.064-1-27 owns or otherwise controls all property contiguous with the Northerly, Easterly and Southerly boundaries of Olds Court to be closed; and

**WHEREAS**, Edwin Peterson, the owner of Tax Map No. 94.064-1-27, has submitted an offer to purchase the real property known as Olds Court for the sum of \$1.00;

**RESOLVED**, that the Common Council has made the determination that the real property comprising Olds Court as identified on a survey map prepared by D. Michael Canada dated September 17, 2015 as Job No. 7826 as filed in the Cattaraugus County Clerk's office, is surplus city property with no current or future value to the City.

**RESOLVED**, that the Common Council hereby accepts the offer to purchase the real property identified on the above referenced survey for \$1.00, with the purchaser assuming all costs associated with the preparation and recording of said deed, which deed shall be subject to the review and approval of the City Attorney. Be it further resolved that said sale of the property is subject to Local Law 01-2016.

**RESOLVED**, that the Mayor shall be authorized to sign execute the deed on behalf of the City.

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**RESOLVED**, that subject to the quit claim conveyance of the real property comprising Olds Court the City hereby closes and discontinues Olds Court.

**RESOLVED**, that the authority contained in this resolution is conditioned upon and subject to the recoding of a quit claim deed with the Cattaraugus County Clerk and the merging and combining of the real property formerly comprising Olds Court into Tax Map No. 94.064-1-27.

**RESOLVED**, that upon satisfaction of the conditions contained herein, and such other reasonable requirements of the City Departments related to the closing and discontinuance of streets or portion of streets that are the subject of this resolution, the City Engineer be and hereby is directed to amend the Official City Map.

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

## **RESOLUTION #62-17**

### **PL #63-17**

By Alderman Witte, Seconded by Alderman George

**TO AUTHORIZE THE MAYOR TO ENTER INTO AN AGREEMENT WITH VITO SPORTELLI FOR PROFESSIONAL SERVICES RELATING TO TRANSPORTATION THROUGH MAY 31, 2019**

**WHEREAS**, the City of Olean Department of Community Development desires to employ Vito Sportelli as an independent contractor for the provision of certain grant application, administration, and planning services associated with the development and administration of the Olean Area Transit System (OATS); and

**WHEREAS**, the aforementioned services to be provided by Vito Sportelli shall be included within the annual OATS project budget of revenues and expenditures, beginning June 1<sup>st</sup>; and

**WHEREAS**, the expenditures associated with the OATS project budget are reimbursed by a combination of federal and New York State grant resources, as well as financial contributions from local organizations to support the continued operation of the Olean Area Transit System;

**NOW, THEREFORE, BE IT RESOLVED**, that the Common Council authorizes the Mayor to enter into an agreement with Vito Sportelli for Professional Services relating to transportation through May 31, 2019.

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

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

Alderman Andreano stated that she is sticking to her guns, and that she feels that the trail will alter the character of the neighborhood. She appreciates everything that Community Development has done, but she will be voting “no”. Alderman Witte stated that she agrees with Alderman Andreano, and that she feels that there should have been some public input prior to the vote. Alderman Gonzalez reminded that we are only voting to apply for funding, not to do the project.

## **RESOLUTION #63-17**

### **PL #64-17**

By Alderman Dougherty, Seconded by Alderman Crawford

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**TO AUTHORIZE THE MAYOR TO SIGN AND SUBMIT A GRANT APPLICATION TO NEW YORK STATE UNDER THE CONSOLIDATED FUNDING APPLICATION PROCESS TO SECURE FUNDING FOR THE BRADNER STADIUM FORNESS PARK TRAIL PROJECT**

**WHEREAS**, the New York State Consolidated Funding Process was created to streamline and expedite the grant application process for securing economic and community development funding; and

**WHEREAS**, there are currently grant funds available from Empire State Development and the NYS Office of Parks, Recreation & Historic Preservation (Recreational Trails Program) for trail development and new construction; and

**WHEREAS**, the City of Olean as applicant has identified the development of the Bradner Stadium Forness Trail Project as eligible and fundable under these Federal and State funded programs; and

**WHEREAS**, under environmental regulations National Environmental Policy Act (NEPA) and New York State Environmental Quality Review Act (SEQRA) the Common Council declares itself Lead Agency and determines the project to be a Type II Action;

**NOW, THEREFORE, BE IT RESOLVED**, that William J. Aiello, as Mayor of the City of Olean, is hereby authorized and directed to accept funds from the New York State Office of Parks, Recreation and Historic Preservation in accordance with the provisions of (Title 9 of the Environmental Protection Act of 1993 *or* the Recreational Trails Program), in an amount not to exceed \$200,000, and enter into and execute a project agreement with the State for such financial assistance to the City of Olean for the Bradner Stadium Forness Park Trail project and, if appropriate, a conservation easement/preservation covenant to the deed of the assisted property.

**BE IT FURTHER RESOLVED**, that this Resolution take effect immediately.

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

**RESOLUTION #64-17**

**PL #66-17**

By Alderman Witte, Seconded by Alderman Gonzalez

**TO AUTHORIZE THE MAYOR TO SIGN AND SUBMIT A COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION TO THE HOUSING TRUST FUND CORPORATION UNDER THE MICROENTERPRISE PROGRAM IN PARTNERSHIP WITH OLEAN BUSINESS DEVELOPMENT**

**WHEREAS**, the New York State Community Development Block Grant Program provides funding to communities under the Microenterprise Program to undertake the activities that focus on community development needs such as creating or expanding job opportunities; and

**WHEREAS**, the City desires to partner with the Olean Business Development Corporation as a subrecipient to apply for \$200,000 for eligible Microenterprise activities which will provide grants to eligible businesses (including startup and existing) for working capital, equipment, etc.: and

**WHEREAS**, the City has held a public hearing to obtain citizen's views regarding the CDBG program as administered by OCR and regarding the project;

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**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor is hereby authorized to submit a grant application in the amount of \$200,000, such amount to be used to provide business grants and fund the costs of grant administration and program activities.

**BE IT FURTHER RESOLVED**, that the Mayor is hereby designated as the Environmental Certifying Officer for the purposes of complying with the applicable federal environmental review requirements of the OCR grant.

**BE IT FURTHER RESOLVED**, that the Mayor is hereby authorized to execute the OCR grant agreement and all related documents associated with the OCR grant, subject to review and approval by the City Attorney.

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

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

## **RESOLUTION #65-17**

### **PL #67-17**

By Alderman Gonzalez, Seconded by Alderman George

#### **TO AUTHORIZE THE MAYOR TO ENTER INTO A GRANT AGREEMENT WITH THE FEDERAL AVIATION ADMINISTRATION FOR THE CATTARAUGUS COUNTY – OLEAN AIRPORT PERIMETER FENCE REPLACEMENT – PHASE II**

**WHEREAS**, the City of Olean has submitted to the FAA a Project Application dated June 26, 2017, for a grant of Federal funds for a project at or associated with the Cattaraugus County – Olean Airport; and

**WHEREAS**, the FAA has approved a project for the Cattaraugus County – Olean Airport consisting of the following: removal of approximately 3,300 linear feet of existing perimeter fence, and the installation of 6,100 linear feet of new wildlife perimeter fence, including clearing and grubbing of the fence line; and

**WHEREAS**, the Federal Aviation Administration has offered and agreed to pay ninety (90) percent of the allowable costs incurred for the Project;

**NOW, THEREFORE, BE IT RESOLVED**, that the Common Council authorizes the Mayor to enter into a Grant Agreement with the Federal Aviation Administration for the Cattaraugus County – Olean Airport Perimeter Fence Replacement – Phase II.

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

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

Mayor Aiello stated that the proposed New York State budget involves moving a children's psychiatric center to the same location as an adult psychiatric center, which could create care issues for the children. The following Resolution supports a bill which would prevent this from occurring.

## **RESOLUTION #66-17**

### **PL #NONE**

By Alderman Dougherty, Seconded by Alderman Andreano

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## **RESOLUTION OF SUPPORT – A6505/S4630 – RELATES TO PROHIBITING THE COLLOCATION OF CERTAIN CHILDREN’S FACILITIES WITH ADULT FACILITIES IN ERIE COUNTY**

**WHEREAS;** The Western New York Children's Psychiatric Center opened in West Seneca in 1970. The center takes seriously emotionally disturbed children between the ages of 4 to 18 years old from 19 Western New York counties. . The 19 different counties in New York State include: Allegany, Cattaraugus, Cayuga, Chautauqua, Chemung, Erie, Genesee, Herkimer, Livingston, Monroe, Niagara, Ontario, Orange, Orleans, Oswego, Schuyler, Seneca, Steuben, Tioga, Tompkins, Wayne, Wyoming and Yates; and

**WHEREAS;** Despite the significant volume from these 19 counties the Western New York Children's Psychiatric Center has the lowest 30 day and 90 day reinstatement or re-institutionalization rate of any facility in New York State. The costs of long term hospitalization and institutionalization are drastically reduced and eliminated when the readmission rates are low; and

**WHEREAS;** Governor Cuomo in his 2017 Budget proposed that the West Seneca Children’s Psychiatric Center be moved to the Buffalo Psychiatric Center, an adult facility and campus. Moving these children into an adult setting would not be therapeutically beneficial and may in fact be detrimental to the psyches of many of these children; and

**WHEREAS;** The medicinal and therapeutic benefits of treating and counseling children with mental illnesses in both rural and school settings have been documented in many medical journals and academic papers. The Governor’s proposal to place these children in a lock down facility with adults runs counter to science, logic and common sense; and

**WHEREAS;** The New York State Assembly and Senate unanimously passed A6505 / S4630 which prohibit the collocation of certain children's facilities with adult facilities in Erie County; and

**WHEREAS;** Governor Cuomo needs to sign this bill and save WNY Children’s Psychiatric Center in West Seneca;

**NOW, THEREFORE, BE IT RESOLVED,** The City of Olean Common Council supports the passage of the above bills in the New York State Legislature and also strongly encourages Governor Cuomo to immediately sign this necessary legislation into law.

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

### **RESOLUTION #67-17** **PL #69-17**

By Alderman Dougherty, Seconded by Alderman Gonzalez

### **TO AUTHORIZE THE MAYOR TO SIGN AND SUBMIT A GRANT APPLICATION TO NEW YORK STATE UNDER THE CONSOLIDATED FUNDING APPLICATION PROCESS TO SECURE FUNDING FOR THE WALKABLE OLEAN PHASE III INTERSECTION IMPROVEMENT PROJECT**

**WHEREAS,** the New York State Consolidated Funding Process was created to streamline and expedite the grant application process for securing economic and community development funding, and



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**WHEREAS**, there are currently grant funds available from Empire State Development (ESD) and the ESD Strategic Planning & Feasibilities Study Program for strategic development plans and studies for site(s) or facility(ies) assessment and planning, and

**WHEREAS**, the City of Olean as applicant has identified the Walkable Olean Phase III Intersection Improvement Project as eligible and fundable for the planning and implementation of traffic calming techniques and design to the intersection of Barry & East State Streets under these State funded programs.

**NOW, THEREFORE, BE IT RESOLVED**, by the City of Olean Common Council that the Mayor, as the representative designated to act on behalf of the City of Olean in all matters related to State assistance for this project, is authorized to sign and submit said application, 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.

**BE IT FURTHER RESOLVED**, that this Resolution take effect immediately.

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

## **RESOLUTION #68-17**

### **PL #70-17**

By Alderman Dougherty, Seconded by Alderman George

#### **TO AUTHORIZE THE MAYOR TO SIGN AN EASEMENT AGREEMENT FOR THE CONSTRUCTION OF THE OLEAN CREEK BICYCLE – PEDESTRIAN CROSSING PROJECT**

**WHEREAS**, the City of Olean is interested in undertaking an Olean Creek Bicycle – Pedestrian Crossing Project; and

**WHEREAS**, an easement is necessary to complete construction on said Project;

**RESOLVED**, that the Common Council hereby authorizes the Mayor to sign an easement agreement for the construction of the Olean Creek Bicycle – Pedestrian Crossing Project.

**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 Andreano. Voice vote, ayes all. Motion carried. Meeting adjourned at approximately 8:00 p.m.*

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

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

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

*I hereby approve the foregoing minutes*

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

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**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*