

# **Journal of Proceedings**

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

August 22, 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, August 22, 2017 at 6:45 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; Bob Bell, Fire 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 August 8, 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 #54-17, 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. PL withdrawn.*

*Report from Public Safety Committee on PL #68-17, 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". Committee recommends approval. Referred to City Attorney for Resolution.*

**COMMUNICATIONS FROM THE MAYOR**

*Mayor Aiello thanked everyone who participated in the StrOlean and Gus Macker events over the past weekend. They were both very successful and well attended.*

**MISCELLANEOUS COMMUNICATIONS**

*Renewal of a Liquor License – The Christopher Columbus Club – 540 North Union Street*

*Renewal of a Liquor License – Pulaski Club of Olean, Inc. – 1104-14 North Union Street*

**CITY OFFICIAL REPORTS**

*None*

**PROPOSED LEGISLATION AND REFERRALS**

*PL #75-17: (Aiello) To approve the Mayoral Appointment of Robert W. Ring, PE, as*

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*Director of Public Works. Referred to Regular Meeting Tuesday, August 22, 2017 for Resolution by Council President.*

*PL #76-17: (Aiello) To authorize the transfer of up to \$17,500 from line item 4068.455, Insect Control, to line item 3120.250, Police Department – Other Equipment, to cover costs associated with the purchase of various equipment for the Police Department. Referred to Regular Meeting Tuesday, August 22, 2017 for Resolution by Council President.*

*PL #77-17: (Aiello) To authorize the Mayor to execute Supplemental Agreement No. 1 – Comptroller’s Contract No. D034777, PIN 5760.86, Olean Creek Bicycle & Pedestrian Crossing Project under the New York State Department of Transportation’s Transportation Enhancement Program. Referred to Regular Meeting Tuesday, August 22, 2017 for Resolution by Council President.*

*PL #78-17: (Aiello) To authorize the Cattaraugus Community Foundation, on behalf of an anonymous donor, to undertake the restoration of the Laurens Street steps and entrance to Oak Hill Park. Referred to Regular Meeting Tuesday, August 22, 2017 for Resolution by Council President.*

*PL #79-17: (Aiello) To amend the Code of Ordinances Chapter 24, Article IV, Division 4, Municipal Parking Lots, to authorize two hour parking in Parking Lot #10 (located on the corner of Laurens Street and North First Street). Referred to Regular Meeting Tuesday, September 12, 2017 for Resolution by Council President.*

## **PUBLIC COMMENT/INPUT**

*Alderman Smith stated that with the City’s new policy of not maintain trees in the right of way (and shifting the responsibility back to property owners), he has fielded a lot of unhappy calls. He hopes to revisit this issue in the future. He questioned, with a windstorm like today’s, if there is anywhere in the City to deposit limbs that have come down. Mayor Aiello replied that he believes that we can find a location. City crews are also instructed, after a storm such as this, to pick limbs up if they see them.*

*Alderman Gonzalez suggested handling this like a “snow event” and creating a “wind event” or “rain event”, where there are special rules and procedures when extreme weather situations cause excessive damage to trees. Mayor Aiello added that we want to be able to help the public in those types of situations.*

*Alderman Gonzalez thanked the Chamber of Commerce and everyone else in the community who helped put together and run the StrOlean event. It was a great night and he hopes to see it develop and grow more in the future.*

*George Carlson of 112 North 19<sup>th</sup> Street expressed concern and frustration with Code Enforcement for not taking care of a problem at a neighbor’s house that is affecting him.*

*Kevin Bartholomew of 737 Bishop Street stated that it seems like the City is funding a lot more of the Alleghany River Trail project than grants are, and questioned if we could look for additional funding sources. He also stated that he disagrees with the roundabout proposed at Main and Barry Streets, and suggested roundabouts instead at Constitution and Buffalo Streets, or Wayne and Twelfth Streets.*

## **FINANCE / BILLS**

*By Alderman Crawford, Seconded by Alderman George*

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*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 \$3,422,437.79 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

*A motion to suspend the rules was made by Alderman Gonzalez, seconded by Alderman Witte. Voice vote, ayes all. Motion carried.*

*A motion to amend the agenda to include Resolution #76-17 was made by Alderman Gonzalez, seconded by Alderman Crawford. Voice vote, ayes all. Motion carried.*

*Alderman Witte stated that she is thrilled that Mr. Ring is coming back to Olean with his family.*

### **RESOLUTION #73-17**

#### **PL #75-17**

*By Alderman Witte, Seconded by Alderman Andreano*

### **APPROVING THE MAYORAL APPOINTMENT OF ROBERT W. RING, PE, AS DIRECTOR OF PUBLIC WORKS**

**WHEREAS**, *the position of Director of Public Works requires a high degree of specialization, training, experience, and knowledge; and*

**WHEREAS**, *Robert W. Ring, PE has this specialization, training, experience, and knowledge, and he is the most qualified person for the position.*

**IT IS, THEREFORE, RESOLVED**, *that the Common Council hereby approves the Mayoral Appointment of Robert W. Ring, PE as Director of Public Works.*

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

### **RESOLUTION #74-17**

#### **PL #76-17**

*By Alderman Crawford, Seconded by Alderman Dougherty*

### **TO AUTHORIZE THE TRANSFER OF UP TO \$17,500 FROM LINE ITEM 4068.455, INSECT CONTROL, TO LINE ITEM 3120.250, POLICE DEPARTMENT – OTHER EQUIPMENT**

**RESOLVED**, *that up to \$17,500 from line item A01-5-4068.455 (Insect Control – Miscellaneous Contracted Services) shall be transferred to line item A01-5-3120.250 (Police Department – Other Equipment) for costs associated with the purchase of various items for the Police Department, as approved by the Common Council.*

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***BE IT FURTHER RESOLVED***, that this Resolution will be effective immediately.  
***ROLL CALL, AYES ALL. MOTION CARRIED.***

*Alderman Gonzales stated that he spoke with Ms. Kerper in Community Development regarding Resolution #75-17. The only changes being made in the agreement for the Olean Creek Crossing Project are in regards to the time frame. As there were issues and we were unable to use the railroad tressel for crossing, we had to change the location and ran into some right of way issues. In order to amend time frames, a Resolution needs to be approved by the Council. The project has already been funded and monies are already earmarked for the project.*

## **RESOLUTION #75-17**

### **PL #77-17**

By Alderman George, Seconded by Alderman Witte

***AUTHORIZING THE IMPLEMENTATION, AND FUNDING IN THE FIRST INSTANCE 100% OF THE FEDERAL-AID AND STATE “MARCHISELLI” PROGRAM-AID ELIGIBLE COSTS, OF A TRANSPORTATION FEDERAL-AID PROJECT, AND APPROPRIATING FUNDS THEREFORE***

***WHEREAS***, a Project for the Olean Creek Bicycle and Pedestrian Crossing Project, P.I.N. 5760.86 (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 borne at the ration of 80% Federal funds and 20% non-federal funds; and

***WHEREAS***, the City of Olean desires to advance the Project by making a commitment of 100% of the non-federal share of the costs for the project’s Preliminary Engineering (Design I-VI), Right-of-Way Incidentals, and Construction/Construction Inspection phases;

***NOW, THEREFORE, BE IT RESOLVED***, 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 for the project’s Preliminary Engineering (Design I-VI), Right-of-Way Incidentals, and Construction/Construction Inspection phases work for the Project or portions thereof; and it is further

***RESOLVED***, that the sum of \$669,395 is hereby appropriated from Capital Fund #169 and 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 City of Olean Common Council shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of State 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 request 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 costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs

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*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 attaching it to any necessary Agreement in connection with the Project.

**RESOLVED**, that this Resolution shall take effect immediately.

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

## **RESOLUTION #76-17**

### **PL #78-17**

By Alderman Dougherty, Seconded by Alderman Crawford

**TO AUTHORIZE THE CATTARAUGUS COMMUNITY FOUNDATION, ON BEHALF OF AN ANONYMOUS DONOR, TO UNDERTAKE THE RESTORATION OF THE LAURENS STREET STEPS AND ENTRANCE TO OAK HILL PARK**

**RESOLVED**, that the Common Council authorizes the Cattaraugus Community Foundation, on behalf of an anonymous donor, to undertake the restoration of the Laurens Street steps and entrance to Oak Hill Park.

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

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

## **EXECUTIVE SESSION**

*Motion to enter into Executive Session to discuss Personnel Matters was made by Alderman Gonzalez, seconded by Alderman Dougherty. Voice vote, ayes all. Motion carried. Executive Session began at approximately 7:10 p.m.*

*Motion to adjourn from Executive Session was made by Alderman Gonzalez, seconded by Alderman Witte. 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 Crawford. 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: \_\_\_\_/\_\_\_\_/\_\_\_\_*

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**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*