

# **Journal of Proceedings**

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

February 13, 2018

**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, February 13, 2018 at 7:00 p.m.*

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

**ABSENT:** *None*

**OFFICIALS:** *Mayor William Aiello; Lens Martial, City Clerk; Nicholas DiCerbo, Jr., City Attorney; Fred Saradin, City Auditor; Keri Kerper, Community Development Program Coordinator; Bob Ring, Director of Public Works; 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.*

## **COMMITTEE REPORTS & UNFINISHED COUNCIL BUSINESS**

*Report from Strategic Planning Committee on PL #01-18, that the Common Council as Lead Agency declares the Allegheny River Public Access and Recreation Plan a Type I Action that will not result in any significant adverse environmental impact and thus issues a Negative Declaration in accordance with the New York State Environmental Quality Review Act. Committee recommends approval. Referred to City Attorney for Resolution.*

*Report from Strategic Planning Committee on PL #02-18, that the City of Olean Common Council formally adopts the Allegheny River Public Access and Recreation Plan. Committee recommends approval. Referred to City Attorney for Resolution.*

*Report from Finance Committee on PL #03-18, to create the “Audit and Compliance Committee” consisting of five members. Committee recommends approval. Referred to City Attorney for Resolution.*

*Report from Finance Committee on PL #05-18, to authorize the closing of seventeen Capital Funds, and to authorize the transfer of funds associated with said closings. Committee recommends approval. Referred to City Attorney for Resolution.*

## **COMMUNICATIONS FROM THE MAYOR**

Special Citation and Certificate of Achievement – Christopher Crino, Eagle Scout

## **MISCELLANEOUS COMMUNICATIONS**

Application for a Liquor License –El Sombrero Mexican Restaurant, 315-317 North Union Street, Olean

## **CITY OFFICIAL REPORTS**

Office of Vital Records – Summary of Year Ending December 31, 2017

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## **PROPOSED LEGISLATION AND REFERRALS**

*PL #06-18: (Aiello) To accept the deed to Jack Murphy Boulevard for dedication. Referred to Committee of the Whole Tuesday, February 13, 2018 by Council President.*

*PL #07-18: (George) To authorize the installation of two “Deaf Child Area” signs on East Oak Street at its intersections with North Union Street and Walnut Street. Referred to Public Safety Committee by Council President.*

*PL #08-18: (Andreano) To amend the City of Olean Code of Ordinances Section 24-134 to prohibit parking on Garden Avenue for a distance of 15 feet to the east and 20 feet to the west of the rear driveway of 629 East State Street. Referred to Committee of the Whole Tuesday, February 13, 2018 by Council President.*

*PL #09-18: (Aiello) To authorize the Mayor to sign an agreement between the City of Olean and the State of New York in connection with Accelerated Transit Capital funds for the Olean Area Transit System. Referred to City Operations Committee by Council President.*

*PL #10-18: (Crawford) 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. Referred to Regular Meeting Tuesday, February 13, 2018 for Resolution by Council President.*

*PL #11-18: (Crawford) That the Common Council authorizes the Mayor to enter into an agreement with Clark Patterson Lee for reengineering services in connection with Walkable Olean – Phase II, Main Street (North Union Street to Front Street). Referred to Regular Meeting Tuesday, February 13, 2018 for Resolution by Council President.*

*PL #12-18: (Aiello) That the City of Olean adopts the Policy Guidelines and Operation Plan for the Microenterprise Assistance Program implementing New York State Office of Community Renewal Grant #841ME90-17. Referred to Strategic Planning Committee by Council President.*

*PL #13-18: (Aiello) To authorize the Mayor to execute a sub-recipient agreement with Olean Business Development for the City of Olean Microenterprise Assistance Program. Referred to Strategic Planning Committee by Council President.*

*PL #14-18: (Crawford) To enact a Local Law amending Local Law No. 02-2008 granting a partial exemption from City real property taxes for Cold War Veterans. Referred to Finance Committee by Council President.*

## **PUBLIC COMMENT/INPUT**

*Alderman Smith wished Alderman Andreano a happy birthday.*

*Tom Mehmel of 330 North Third Street stated that the roads are being destroyed by the cold cycle giving way to a warm cycle, and cold patching doesn't last, wasting time and resources. He recommended that the City look into a company named “Sealmaster” from Buffalo, as he feels that they are better equipped to handle pothole issues and could save the City materials, labor, and money.*

*Scott Paoletto of 318 North 11<sup>th</sup> Street stated that, in response to recent fires involving the manufacturing of methamphetamine, police and fire personnel should be trained to handle such situations in order to prevent greater damage and injury that could potentially be caused by the dangerous, unstable chemicals used in the process.*

*Kevin Batholomew of 737 Bishop Street agreed that the pothole situation in the City*

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*is terrible. He feels that it does not reflect well on the City when potential developers come to Olean and see the state of our roadways.*

## **FINANCE / BILLS**

None

## **RESOLUTIONS**

### **RESOLUTION #01-18**

#### **PL #03-18**

By Alderman Crawford, Seconded by Alderman Witte

#### **TO CREATE THE AUDIT AND COMPLIANCE COMMITTEE**

**WHEREAS**, the Common Council is desirous of creating a Committee with the purpose of soliciting input from the Council regarding audit and financial oversight related issues including, but not limited to, financial policies, internal controls, and risk management; and

**WHEREAS**, said Committee is to be created with the intent to review the credentials of external auditors and make recommendation to the Council as to the selection of the external auditor; and

**WHEREAS**, the Committee will recommend to the Common Council an independent firm of certified public accountants, qualified to perform the annual audit of the City, and further assure the scope of the annual audit meets Council requirements and assure financial statements and audits meet Council needs and are reported to the Council in a timely manner; and

**WHEREAS**, the Audit and Compliance Committee will review annually the performance of the City Auditor and provide that information to the Council, review at least annually the adequacy of the City's internal controls, and meet with the City Auditor throughout the fiscal year to discuss the auditing process, including the examination of internal controls currently utilized by the City; and

**WHEREAS**, the Committee will meet and review other audit and financial oversight related projects as referred by the Council, and establish procedures for the receipt, retention and treatment of complaints regarding accounting, internal accounting controls, or auditing matters;

**NOW, THEREFORE, BE IT RESOLVED**, that the Common Council hereby authorizes the creation of an Audit and Compliance Committee to be comprised of up to two citizen members, residents of the City of Olean and possessing a basic understanding of governmental financial reporting and auditing, to be appointed by the Mayor with the advise and consent of the Council, as well as three members of the Common Council appointed by the Council President.

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

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

### **RESOLUTION #02-18**

#### **PL #01-18**

By Alderman Witte, Seconded by Alderman Crawford

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**THAT THE COMMON COUNCIL AS LEAD AGENCY DECLARES THE ADOPTION OF THE ALLEGHENY RIVER PUBLIC ACCESS AND RECREATION PLAN A TYPE I ACTION THAT WILL NOT RESULT IN ANY SIGNIFICANT ADVERSE ENVIRONMENTAL IMPACT AND THUS ISSUES A NEGATIVE DECLARATION**

**WHEREAS**, the City of Olean is considering adoption of the final Allegheny River Public Access & Recreation Plan (ARPARP); and

**WHEREAS**, the intent of the multi-jurisdictional ARPARP is to improve waterfront access, promote the underutilized river corridor and attract recreation based businesses to strengthen the tourism economy; and

**WHEREAS**, the Common Council has determined that the proposed action is a “Type I Action” as defined under the New York State Environmental Quality Review Act (SEQR); and

**WHEREAS**, the Common Council has caused to be prepared an environmental assessment of the significance of and potential environmental impact of this action; and

**WHEREAS**, the Common Council has requested Lead Agency status by notification of Involved and Interested Agencies of its intent for this adoption and circulated Parts I and II of the Environmental Assessment Form pursuant to 6NYCRR Section 617.6 and has declared itself Lead Agency for purposes of Environmental Review; and

**WHEREAS**, the City of Olean Common Council, as Lead Agency, has reviewed and fully considered Part I of the SEQR Full Environmental Assessment Form (EAF);

**NOW, THEREFORE, BE IT RESOLVED**, that the Common Council finds that the adoption of the ARPARP will result in no major impacts and will not cause significant damage to the environment. A Negative Declaration under SEQR is therefore issues for this action.

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

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

## **RESOLUTION #03-18**

### **PL #02-18**

By Alderman Crawford, Seconded by Alderman Andreano

## **RESOLUTION AUTHORIZING THE OLEAN COMMON COUNCIL TO ADOPT THE ALLEGHENY RIVER PUBLIC ACCESS AND RECREATION PLAN**

**WHEREAS**, the City was awarded \$38,750 in grant funds from the New York State Department of State under the 2015 Consolidated Funding Application Process to assist in the preparation of the Allegheny River Public Access and Recreation Plan (ARPARP); and

**WHEREAS**, the City of Olean, in partnership with the City of Salamanca; Towns of Allegany, Portville, Olean and Salamanca; and Villages of Portville and Allegany have established a plan for a multi-use recreational trail system along the Allegheny River; and

**WHEREAS**, the project’s study area is approximately 20,000 acres of land along 30 miles of the Allegheny River and the Plan is consistent with the Comprehensive Plan for each municipality; and

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**WHEREAS**, the Plan explores strategies to improve waterfront access, promote the underutilized river corridor, and attract recreation-based businesses to strengthen the tourism economy; and

**WHEREAS**, the plan went through an extensive public outreach process and the necessary public outreach sessions were held; and

**WHEREAS**, as a result of this comprehensive approach, the plan includes 26 recommended projects and strategies that address collaboration, connectivity, recreation, access, tourism, economic development, preservation, culture, history, and sustainability; and

**WHEREAS**, copies of the ARPAP were referred to the Cattaraugus County and the City of Olean Planning Boards for review and recommendation to the Council; and

**WHEREAS**, both Boards formally reviewed said Plan and recommended adoption by the Council;

**NOW, THEREFORE, BE IT RESOLVED**, that the City of Olean Common Council hereby formally adopts the Allegheny River Public Access and Recreation Plan as a guide for making decisions, recommendations and implementations of projects.

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

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

## **RESOLUTION #04-18**

### **PL #NONE**

By Alderman Witte, Seconded by Alderman George

#### **RESOLUTION AUTHORIZING THE MAYOR TO SIGN THE CSEA CONTRACT**

**RESOLVED**, that the Mayor is hereby authorized and directed to sign the CSEA contract as reflected in an agreement between the Civil Service Employees Association, Inc. (CSEA), AFSCME Local 1000, AFL0CIO and the City of Olean.

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

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

## **RESOLUTION #05-18**

### **PL #06-18**

By Alderman Gonzalez, Seconded by Alderman Witte

#### **TO ACCEPT THE DEED TO JACK MURPHY BOULEVARD FOR DEDICATION**

**WHEREAS**, a certain parcel of land adjacent to Buffalo Street has been offered for dedication to the City of Olean (the "City") for highway purposes by Krog Corporation, the owner of said land as shown on a plan prepared by David J. Uhrinec, P.E., dated December 8, 2016; and

**WHEREAS**, the Director of Public Works of the City has recommended acceptance of said parcel for dedication for highway purposes, upon the completion of construction of said roadway in accordance with City specifications;

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**RESOLVED**, that the Common Council hereby approves said dedication subject to conditions and approval of the abstract of title by the City Attorney; and

**RESOLVED**, the Common Council in regular session duly convened agrees to accept the deed of dedication on the said road, to be known as Jack Murphy Boulevard, and directs the City Clerk to record the same in the Cattaraugus County Clerk's Office.

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

## **RESOLUTION #06-18**

### **PL #05-18**

By Alderman Crawford, Seconded by Alderman Smith

#### **TO AUTHORIZE THE CLOSING OF SEVENTEEN (17) CAPITAL FUNDS, AND TO AUTHORIZE THE TRANSFER OF FUNDS ASSOCIATED WITH SAID CLOSINGS**

**RESOLVED**, that the following transfers be authorized:

<b>Account #</b>	<b>Description- General</b>	<b>Amount Transferred</b>	<b>Transferred to</b>
CF #87	Landfill – Olean Airport	57,292.23	
CF #116	Fire Arson Equipment	11,471.00	
CF #117	Dispatch Project	2,212.27	
CF #120	Water Filtration Plant	34,139.00	
CF #132	Parking Lot Maintenance	27,985.11	
CF #133	Parking Lot Repaving	51,629.48	
CF #137	Telephone System	4,000.02	
CF #149	Bartlett House Renovations Municipal Bldg/Firehouse	(11,752.00)	
CF #151	Relocation East State Street and Sewer	(3,478.00)	
CF #153	Improvements	(74,078.00)	
CF #155	Courtroom Project Wastewater Plant Belt	(8,403.00)	
CF #156	Control	5,000.00	
CF #157	Narrow Band Upgrade	(2,584.00)	
CF #158	Traffic Signals Brownfield Opportunities	17,000.00	
CF #162	Program	(42,148.90)	
CF #165	Bradner Stadium	(11,816.21)	
CF #166	Franchot Playground	(5,531.00)	
CF #168	Homer Street Playground	(6,580.00)	
CF #174	Homer Street Project	(5,219.00)	
F-06-5-9955.550	<b>Water Fund</b>		<b>34,139.00</b>
G-07-5-9955.550	<b>Sewer Fund</b>		<b>5,000.00</b>

**RESOLVED**, that the following Capital Funds are to be closed by the City Auditor: Capital Funds 87, 116, 117, 120, 133, 137, 149, 151, 153, 155, 156, 157, 158, 162, 166, 168, and 174.

**BE IT FURTHER RESOLVED**, that this Resolution shall be effective immediately.

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

## **RESOLUTION #07-18**

### **PL #10-18**

By Alderman Gonzalez, Seconded by Alderman George

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

**WHEREAS**, a project for the Walkable Olean Phase II, P.I.N. 576236 (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 ratio 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 of \$135,478;

**NOW, THEREFORE**, The Common Council, duly convened does hereby

**RESOLVE**, 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 of \$677,391 work for the Project or portions thereof; and it is further

**RESOLVED**, that the sum of \$176,000 is hereby appropriated 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 Common Council of the City of Olean shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the Director of Public Works 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 requests 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 and providing for the administration of the Project and the municipality’s first instance funding of project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs 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 Agr4reement in connection with the Project, and it is further

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

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

**RESOLUTION #08-18**

**PL #11-18**

By Alderman Crawford, Seconded by Alderman Gonzalez

**THAT THE COMMON COUNCIL AUTHORIZES THE MAYOR TO ENTER INTO AN AGREEMENT WITH CLARK PATTERSON LEE FOR ENGINEERING SERVICES IN CONNECTION WITH WALKABLE OLEAN – PHASE II, MAIN STREET (NORTH UNION STREET TO FRONT STREET)**

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**WHEREAS**, the City of Olean is desirous of undertaking a project that consists intersection improvements at North Barry and Main Streets, and Front and Main Streets; and

**WHEREAS**, the Common Council authorized the Mayor to sign and submit an application to the New York State Department of Transportation for funding under the Transportation Alternatives Program for said improvements, entitled “Phase II Walkable Olean Transformation Project” ; and

**WHEREAS**, the City of Olean has received funding assistance from the New York State Department of Transportation Alternatives Program (TAP) for said project; and

**WHEREAS**, the City of Olean has received a proposed agreement from Clark Patterson Lee for Engineering Design Services related to aforementioned project; and

**WHEREAS**, the Director of Public Works has reviewed said proposal from Clark Patterson Lee and has submitted to the Common Council a revised Scope of Services; and

**WHEREAS**, upon review with Public Works and Community Development Officials, the Common Council is desirous of utilizing grant funding sources and moving forward with the design portion of the Walkable Olean – Phase II Project;

**RESOLVED**, that the Common Council authorizes the Mayor to enter into an agreement with Clark Patterson Lee for Engineering Design Services, in an amount not to exceed \$197,110.23 , in connection with the Walkable Olean – Phase II, Main Street (North Union Street to Front Street) Project.

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

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

## **ADJOURNMENT**

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

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*Lens Martial, City Clerk*

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*Mayor William J. Aiello*

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*John Crawford, Council President*

*I hereby approve the foregoing minutes*

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

**STATE OF NEW YORK  
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*I, Lens Martial, 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.*

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*Lens Martial, City Clerk*