

Journal of Proceedings

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

February 27, 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 27, 2018 at 6:40 p.m.

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

ABSENT: None

OFFICIALS: Mayor William Aiello; 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; Jeff Rowley, Police Chief; Michiko McElfresh, Mayor's Secretary, 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 February 13, 2018 meeting was made by Alderman Crawford, seconded by Alderman Andreano. Voice vote, ayes all. Motion carried.

COMMITTEE REPORTS & UNFINISHED COUNCIL BUSINESS

Report from Public Safety Committee on PL #04-18, to amend the City of Olean Code of Ordinances Chapter 24, Section 24-135, to install "No Parking or Standing from Here to Corner" on a portion of York Street at its intersection with East Riverside Drive. Committee recommends approval. Referred to City Attorney for Resolution.

Report from Public Safety Committee on PL #07-18, to authorize the installation of two "Deaf Child Area" signs on East Oak Street at its intersection with North Union Street and Walnut Street. Committee recommends approval. Referred to City Attorney for Resolution.

Report from Finance Committee on PL #14-18, to enact a Local Law amending Local Law No. 02-2008 granting a partial exemption from City real property taxes for Cold War Veterans. Committee recommends approval. Referred to City Attorney for Resolution.

Report from Committee of the Whole on PL #09-18, 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. Committee recommends approval. Referred to City Attorney for Resolution.

Report from Committee of the Whole on PL #12-18, that the City of Olean adopts the Policy Guidelines and Operating Plan for the Microenterprise Assistance Program implementing New York State Office of Community Renewal Grant #841ME90-17. Committee recommends approval. Referred to City Attorney for Resolution.

Report from Committee of the Whole on PL #13-18, to authorize the Mayor to execute a sub-recipient agreement with Olean Business Development for the City of Olean

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Microenterprise Assistance Program. Committee recommends approval. Referred to City Attorney for Resolution.

Report from Committee of the Whole on PL #15-18, that the Common Council, as Lead Agency, determines that the Walkable Olean – Phase II Project will not result in any significant adverse environmental impact and thus issues a negative declaration in accordance with the State Environmental Quality Review Act (SEQRA). Committee recommends approval. Referred to City Attorney for Resolution.

Report from Committee of the Whole on PL #17-18, that the Project Loan Committee recommends that the City subordinate its lien position for Olean Homeownership Assistance Program Application #128-04. Committee recommends approval. Referred to City Attorney for Resolution.

COMMUNICATIONS FROM THE MAYOR

Mayor Aiello stated that, in light of recent events, he and Chief Rowley met with Mr. Rick Moore, the Superintendent of the Olean City School District. They are taking steps to increase security at all of the schools.

MISCELLANEOUS COMMUNICATIONS

None

CITY OFFICIAL REPORTS

Monthly Report of the City Auditor – month ended January 2018

PROPOSED LEGISLATION AND REFERRALS

PL #15-18: (Aiello) That the Common Council, as Lead Agency, determines that the Walkable Olean – Phase II Project will not result in any significant adverse environmental impact and thus issues a negative declaration in accordance with the State Environmental Quality Review Act (SEQRA). Referred to Committee of the Whole Tuesday, February 27, 2018 by Council President.

PL #16-18: (Aiello) To authorize the Mayor to enter into an agreement with the Chautauqua, Cattaraugus, Allegany, and Steuben Southern Tier Extension Railroad Authority (“STERA”) and Western New York and Pennsylvania Railroad, LLC (“WNYP”) for railroad overpass alterations at Queen Street and Front Street. Referred to Regular Meeting Tuesday, February 27, 2018 for Resolution by Council President.

PL #17-18: (Aiello) That the Project Loan Committee recommends that the City subordinate its lien position for Olean Homeownership Assistance Program Application #128-04. Referred to Committee of the Whole Tuesday, February 27, 2018 by Council President.

PL #18-18: (Witte) To authorize the installation of a “STOP” sign and to designate that all traffic shall stop before proceeding on Fifth Avenue at its intersection with Prospect Avenue. Referred to Committee of the Whole Tuesday, March 13, 2018 by Council President.

PL #19-18: (Witte) To authorize the removal of signs designating school zone and school zone speed limits in the vicinity of 622 Main Street. Referred to Committee of the Whole Tuesday, March 13, 2018 by Council President.

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PL #20-18: (Dougherty) To amend the City of Olean Code of Ordinances Section 24-134 to amend “No Parking on North Fourth Street, West, from Wayne Street northerly to the north bounds of 509 North Fourth Street” to state “North Fourth Street, West, from Wayne Street northerly to the south bounds of 509 North Fourth Street”. Referred to Public Safety Committee by Council President.

PL #21-18: (Gonzalez) To order the removal of the structure located at 213 West Green Street. Referred to Public Safety Committee by Council President.

PL #22-18: (Gonzalez) To order the removal of the structure located at 215 West Green Street. Referred to Public Safety Committee by Council President.

PL #23-18: (Gonzalez) To order the removal of the structure located at 128 West Green Street. Referred to Public Safety Committee by Council President.

PL #24-18: (Gonzalez) To order the removal of the structure located at 329 North Fifth Street. Referred to Public Safety Committee by Council President.

PL #25-18: (Gonzalez) To order the removal of the structure located at 313 South Seventh Street. Referred to Public Safety Committee by Council President.

PUBLIC COMMENT/INPUT

Scott Paoletto of 318 North 11th Street stated that the potholes in the City are getting worse, and that the City should use a more permanent fix rather than temporary cold patch that does not last more than a few days.

FINANCE / BILLS

By Alderman Witte, Seconded by Alderman Smith

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 \$1,767,049.75 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

LOCAL LAW #01-2018

PL #14-18

By Alderman Witte, Seconded by Alderman Crawford

A LOCAL LAW AMENDING LOCAL LAW NO. 02-2008 GRANTING A PARTIAL EXEMPTION FROM CITY REAL PROPERTY TAXES FOR COLD WAR VETERANS

***BE IT ENACTED** by the City of Olean Common Council as follows:*

Section 1. Legislative Intent

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It is the intent of this legislation to amend Local Law No. 02-2008 which grants an exemption of fifteen percent (15%) of the assessed value of qualified residential property, as defined in Real Property Tax Law Section 458-b(2)(a)(i) to Cold War Veterans, as defined in Real Property Tax Law Section 458-b(1)(a).

Section 2. Amendment to Local Law No. 02-2008

Local Law No. 02-2008 is hereby amended by adding a new Section 3 which eliminates the ten (10) year exemption for qualifying property owners, as follows, and renumbering the subsequent sections:

“Section 3. Elimination of Ten Year Period

The City of Olean hereby further provides that qualifying residential owners of qualifying real property shall retain the exemption, provided for in Section 2 above, for as long a they remain qualifying owners, without regard to such ten year limitation, as provided for in Real Property Tax Law Section 458-b(2)(c)(iii).”

Section 3. Severability

If any provision of this Local Law shall be adjudged by any court of competent jurisdiction to be invalid, then such adjudication shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the particular provision directly involved in the controversy in which such judgment shall have been rendered.

Section 4. Effective Date

This Local Law shall take effect immediately upon its filing with the Secretary of State and shall be applicable to all assessment rolls prepared pursuant to the first taxable status date occurring on or after the effective date of this Local Law.

ROLL CALL, AYES ALL. MOTION CARRIED.

RESOLUTION #09-18

PL #08-18

By Alderman Andreano, Seconded by Alderman Smith

AMENDMENT TO 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

RESOLVED, that Chapter 24, Article IV, Division 2, Section 24-134 of the Code of Ordinances of the City of Olean, New York is amended to include the following:

Sec. 24-134. Prohibited at all times.

When signs are erected giving notice thereof, it shall be unlawful for any person to park a vehicle at any time upon any of the following streets:

<u>Street</u>	<u>Side</u>	<u>Extent</u>
Garden Avenue to the	Southwest	15 feet to the east and 20 feet west of the rear driveway of

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629

East State Street

RESOLVED, this Resolution will be effective immediately.

ROLL CALL, AYES ALL. MOTION CARRIED.

RESOLUTION #10-18

PL #07-18

By Alderman George, Seconded by Alderman Witte

TO AUTHORIZE THE INSTALLATION OF TWO “DEAF CHILD AREA” SIGNS ON EAST OAK STREET

RESOLVED, that the Common Council hereby authorizes the installation of two “Deaf Child Area” signs on East Oak Street, one near its intersection with North Union Street and one near its intersection with Walnut Street.

RESOLVED, that this Resolution is effective immediately.

ROLL CALL, AYES ALL. MOTION CARRIED.

RESOLUTION #11-18

PL #09-18

By Alderman George, Seconded by Alderman Witte

TO AUTHORIZE THE MAYOR TO SIGN AN AGREEMENT BETWEEN THE CITY OF OLEAN AND THE STATE OF NEW YORK IN CONNECTION WITH ACCELERATED CAPITAL FUNDS FOR THE OLEAN AREA TRANSIT SYSTEM

WHEREAS, the City of Olean submitted a request for Accelerated Transit Capital (ATC) grant funds to the New York State Department of Transportation (NYSDOT), for a project relating to public mass transportation service [ADA Tactile Warning Strip] for the Olean Area Transit System; and

WHEREAS, the City of Olean was awarded said funding by NYSDOT; and

WHEREAS, the City of Olean and State of New York are entering into a contract agreement which authorizes the undertaking of the project and acceptance of said grant funds;

BE IT RESOLVED, that the Mayor of the City of Olean is authorized to sign any contracts or agreements between the City of Olean, NYSDOT and any third party subcontractor necessary to complete the public transportation project, subject to the approval of the City of Olean Attorney.

BE IT FURTHER RESOLVED, that this Resolution is effective immediately.

RESOLVED, that this Resolution is effective immediately.

ROLL CALL, AYES ALL. MOTION CARRIED.

RESOLUTION #12-18

PL #12-18

By Alderman Witte, Seconded by Alderman Dougherty

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THAT THE CITY OF OLEAN ADOPTS THE POLICY GUIDELINES AND OPERATING PLAN FOR THE MICROENTERPRISE ASSISTANCE PROGRAM IMPLEMENTING THE NEW YORK STATE OFFICE OF COMMUNITY RENEWAL GRANT #841ME90-17

WHEREAS, the City of Olean has received Federal Community Development Block Grant assistance in the amount of \$200,000.00 from the New York State Housing Trust Fund Corporation through its Microenterprise Program for the purpose of implementing a Microenterprise grant program in the City; and

WHEREAS, the primary objections of the Program are to assist in the establishment and expansion of microenterprise business activity within the City of Olean, create employment opportunities for City residents, and preserve and expand the City's tax base; and

WHEREAS, a Policy Guidelines and Operating Plan has been drafted and is intended to serve as the primary administrative document for the Program; and

NOW, THEREFORE, BE IT RESOLVED, that the City of Olean adopts the Policy Guidelines and Operating Plan for the Microenterprise Assistance Program implementing New York State Office of Community Renewal Grant #841ME90-17.

RESOLVED, that this Resolution is effective immediately.

ROLL CALL, AYES ALL. MOTION CARRIED.

RESOLUTION #13-18

PL #13-18

By Alderman Smith, Seconded by Alderman Witte

TO AUTHORIZE THE MAYOR TO EXECUTE A SUB-RECIPIENT AGREEMENT WITH OLEAN BUSINESS DEVELOPMENT FOR THE CITY OF OLEAN MICROENTERPRISE ASSISTANCE PROGRAM

WHEREAS, the City of Olean has received Federal Community Development Block Grant assistance in the amount of \$200,000.00 from the New York State Housing Trust Fund Corporation through its Microenterprise Program for the purpose of implementing a Microenterprise grant program in the City; and

WHEREAS, Olean Business Development Corporation has the capacity to implement the program in the best interests of the City;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor is hereby authorized to execute a sub-recipient agreement with Olean Business Development for the City of Olean Microenterprise Assistance Program.

RESOLVED, that this Resolution is effective immediately.

ROLL CALL, AYES ALL. MOTION CARRIED.

RESOLUTION #14-18

PL #15-18

By Alderman Crawford, Seconded by Alderman George

THAT THE COMMON COUNCIL, AS LEAD AGENCY, DECLARES THE WALKABLE OLEAN PHASE II AND BOA DOWNTOWN REDEVELOPMENT PROJECT TO BE A TYPE II ACTION FOR SEQR PURPOSES, THAT THE ACTION DOES NOT HAVE A SIGNIFICANT IMPACT AND

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THAT NO FURTHER ENVIRONMENTAL ASSESSMENTS OR DETERMINATIONS OF SIGNIFICANCE ARE REQUIRED

WHEREAS, the City of Olean desires to undertake a project consisting of Walkable Olean Phase II and the BOA Downtown Redevelopment; and

WHEREAS, 6NYCRR Section 617.5 (Title 6 of the New York State Code of Rules and Regulations) under SEQRA provides that certain actions which are classified under subdivision “c” (Type II Actions) of that section are deemed not subject to environmental review under the Environmental Conservation Law;

NOW, THEREFORE, BE IT RESOLVED, that the City of Olean determines that the Walkable Olean Phase II and BOA Downtown Redevelopment is a Type II Action in accordance with 6 NYCRR Section 617.5(c);

BE IT RESOLVED, that in accordance with 6NYCRR Section 617.5(a), this action has been determined not to have a significant impact on the environment or is otherwise precluded from environmental review under Environmental Conservation Law, Article 8, and that no environmental assessments or determinations of significance are required.

RESOLVED, that this Resolution is effective immediately.

ROLL CALL, AYES ALL. MOTION CARRIED.

RESOLUTION #15-18

PL #16-18

By Alderman Witte, Seconded by Alderman Gonzalez

TO AUTHORIZE THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE CHAUTAUQUA, CATTARAUGUS, ALLEGANY, AND STEUBEN SOUTHERN TIER EXTENSION RAILROAD AUTHORITY (“STERA”) AND WESTERN NEW YORK & PENNSYLVANIA RAILROAD, LLC (“WNYP”) FOR RAILROAD OVERPASS ALTERATIONS AT QUEEN STREET AND FRONT STREET

WHEREAS, STERA is the recipient of a Passenger & Freight Rail Assistance Program Grant providing for the design, construction, reconstruction, improvement or rehabilitation of rail facilities, which in part provides for the rehabilitation of a WNYP rail-over-highway overpass at Queen Street in the City of Olean; and

WHEREAS, WNYP operates and maintains a line of railway known as its Buffalo Line through Olean, New York and acts as the construction contractor for STERA under the above-referenced grant; and

WHEREAS, STERA, WNYP and the City wish to approach the NYSDOT to consider a scope change under the Grant to permit the Grant funds to be used for the closure and filling of the Queen Street rail-over-highway overpass and replacing it with a pedestrian underpass and raising the height of the railway above the highway at an adjacent rail-over-highway overpass at Front Street in Olean;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor is hereby authorized to enter into an agreement with the Chautauqua, Cattaraugus, Allegany, and Steuben Southern Tier Extension Railway Authority and Western New York and Pennsylvania Railroad, LLC for railroad overpass alterations at Queen Street and Front Street.

RESOLVED, that this Resolution is effective immediately.

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ROLL CALL, AYES ALL. MOTION CARRIED.

RESOLUTION #16-18

PL #17-18

By Alderman Dougherty, Seconded by Alderman Andreano

THAT THE PROJECT LOAN COMMITTEE RECOMMENDS THAT THE CITY SUBORDINATE ITS LIEN POSITION FOR OLEAN HOMEOWNERSHIP ASSISTANCE PROGRAM APPLICATION #128-04

WHEREAS, the Department of Community Development received a request from one first-time homebuyer to subordinate the City's lien positions with respect to the grant/loan funds provided to the applicant under the Homeownership Assistance Program; and

WHEREAS, the City of Olean's Project Loan Committee has reviewed said request and recommends approval of the following application:

OHAP #128-04;

NOW, THEREFORE, BE IT RESOLVED, that the Council approves the above-identified request and authorizes the Mayor to execute the respective subordination agreements pending the City Attorney's review and approval.

IT IS FURTHER RESOLVED, that this Resolution will be effective immediately.

ROLL CALL, AYES ALL. MOTION CARRIED.

ADJOURNMENT

Motion to adjourn was made by Alderman Crawford, seconded by Alderman Dougherty. Voice vote, ayes all. Motion carried. Meeting adjourned at approximately 6:45 p.m.

Lens Martial, City Clerk

Mayor William J. Aiello

John Crawford, 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.

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Lens Martial, City Clerk