

# Journal of Proceedings

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

March 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, March 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; Fred Saradin, City Auditor; Bob Ring, Director of Public Works; 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.*

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

*Report from Public Safety Committee on PL #20-18, 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". Committee recommends approval. Referred to City Attorney for Resolution.*

*Report from Public Safety Committee on PL #21-18 through PL #25-18, to order the removal of the structures located at 213 West Green Street, 215 West Green Street, 128 West Green Street, 329 North Fifth Street, and 313 South Seventh Street. Committee recommends approval. Referred to City Attorney for Resolution.*

*Report from Committee of the Whole on PL #13-18, 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. Committee recommends approval. Referred to City Attorney for Resolution.*

*Report from Committee of the Whole on PL #19-18, to authorize the removal of signs designating school zone and school zone speed limits in the vicinity of 622 Main Street. Committee recommends approval. Referred to City Attorney for Resolution.*

*Report from Committee of the Whole on PL #26-18, to authorize the Mayor to sign and submit a Grant Application to the New York State Department of Transportation for funding through the Pedestrian Safety Action Plan campaign. Committee recommends approval. Referred to City Attorney for Resolution.*

*Report from Committee of the Whole on PL #31-18, to authorize the creation of Capital Fund #185, Tree Pruning and Removal, and to authorize the transfer of \$40,950 from General Fund Contingency to this newly created Capital Fund. Committee recommends approval. Referred to City Attorney for Resolution.*

## **COMMUNICATIONS FROM THE MAYOR**

None

## **MISCELLANEOUS COMMUNICATIONS**

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None

## **CITY OFFICIAL REPORTS**

None

## **PROPOSED LEGISLATION AND REFERRALS**

*PL #26-18: (Aiello) To authorize the Mayor to sign and submit a Grant Application to the New York State Department of Transportation for funding through the Pedestrian Safety Action Plan campaign. Referred to Committee of the Whole Tuesday, March 13, 2018 by Council President.*

*PL #27-18: (Crawford) To authorize the transfer of \$50,000 from General Fund Balance to Capital Fund #150, Sidewalk Replacement, for the purpose of a Revolving Loan Fund for sidewalk replacement upon Order to Remedy from the City of Olean. Referred to Finance Committee by Council President.*

*PL #28-18: (Aiello) To authorize the City Auditor to bond for the Olean Farmers' Market Project. Referred to Finance Committee by Council President.*

*PL #29-18: (Aiello) To authorize the City Auditor to bond for the Olean Creek Bicycle and Pedestrian Crossing Project. Referred to Finance Committee by Council President.*

*PL #30-18: (Aiello) To authorize the City Auditor to bond for the Walkable Olean Phase II and BOA Downtown Redevelopment Project. Referred to Finance Committee by Council President.*

*PL #31-18: (Crawford) To authorize the creation of Capital Fund #185, Tree Pruning and Removal, and to authorize the transfer of \$40,950 from General Fund Contingency to this newly created Capital Fund. Referred to Committee of the Whole Tuesday, March 13, 2018 by Council President.*

*PL #32-18: (Aiello) To authorize the City of Olean Common Council to act as Lead Agency under New York State Environmental Quality Review Regulations in connection with the proposed Forest Hills Subdivision. Referred to Strategic Planning Committee.*

## **PUBLIC COMMENT/INPUT**

*Alderman Crawford commended the City of Olean Police Department on a recent series of successful drug busts. He stated that we need to hold absentee landlords accountable. The property at 213 South 8<sup>th</sup> Street has been busted five times in the past four years. He added that the Police Department is the best in its class, but they can't do it alone. If you see something, say something.*

*Kevin Bartholomew of 737 Bishop Street stated that he would also like to commend the Police Department on the recent drug busts. He grew up in the neighborhood of one of the most recent, and it was a great neighborhood when he was younger. He stated that as we are trying to revitalize Olean and bring people into the City, we need to take care of the problems that turn good people away. He stated that he feels landlords and social services also need to do a better job of vetting tenants.*

## **FINANCE / BILLS**

None

## **RESOLUTIONS**

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## **RESOLUTION #17-18**

### **PL #04-18**

By Alderman Gonzalez, Seconded by Alderman Witte

**AMENDMENT TO THE CITY OF OLEAN CODE OF ORDINANCES, SECTION 24-135, TRAFFIC,  
TO PROHIBIT PARKING AND TO INSTALL “NO PARKING FROM HERE TO CORNER” SIGNS  
YORK STREET AT ITS INTERSECTION WITH EAST RIVERSIDE DRIVE**

*RESOLVED*, that Chapter 24, Article IV, Division 2, Section 24-135 of the Code of Ordinances of the City of Olean, New York is amended to include the following:

*Sec. 24-135. Prohibited from designated sign to corner.*

*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 from designation sign to the corner:*

<u>Street</u>	<u>Side</u>	<u>Extent</u>
York Street intersection	East	126 feet south from its  with East Riverside Drive

*RESOLVED*, this Resolution will be effective immediately.

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

## **RESOLUTION #18-18**

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

By Alderman Witte, Seconded by Alderman Crawford

**TO AUTHORIZE THE INSTALLATION OF A “STOP” SIGN ON FIFTH AVENUE AT ITS  
INTERSECTION WITH PROSPECT AVENUE, AND TO DESIGNATE THAT ALL TRAFFIC SHALL  
STOP BEFORE PROCEEDING**

*RESOLVED*, that a permanent “STOP” sign shall be installed on Fifth Avenue at its intersection with Prospect Avenue.

*IT IS FURTHER RESOLVED*, that this Resolution is effective immediately.

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

## **RESOLUTION #19-18**

### **PL #19-18**

By Alderman Witte, Seconded by Alderman Andreano

**TO AUTHORIZE THE REMOVAL OF SIGNS DESIGNATING SCHOOL ZONE AND SCHOOL ZONE  
SPEED LIMITS IN THE VICINITY OF 622 MAIN STREET**

*WHEREAS*, the building located at 622 Main Street is no longer being used as an elementary school and therefore there is no longer a need for school signage;

*RESOLVED*, that the Common Council authorizes and directs the Department of Public Works to remove school zone and school zone speed limit signs in the vicinity of 622 Main Street.

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*IT IS FURTHER RESOLVED, that this Resolution is effective immediately.  
ROLL CALL, AYES ALL. MOTION CARRIED.*

*Alderman Crawford stated that the next five Resolutions were discussed last week in Committee. We are targeting five condemned properties, which we consider the worst of the worst. The cost will come from a Capital Fund that was created last year.*

## **RESOLUTION #21-18**

### **PL #21-18**

*By Alderman Gonzalez, Seconded by Alderman Dougherty*

#### **RESOLUTION ORDERING REMOVAL OF STRUCTURES LOCATED AT: 213 WEST GREEN STREET, CITY OF OLEAN; TAX MAP ID # 94.073-5-18**

*WHEREAS, in accordance with Olean City Code Section 6-240 the Fire Chief has filed his report in writing with the Common Council containing his findings and recommendations regarding certain structures situate on the premises located at 213 West Green Street, City of Olean; Tax Map ID # 94.073-5-18; which report states his opinion that said structures are unsafe, dangerous, and a nuisance to the public and recommends their immediate removal; and*

*WHEREAS, the Common Council pursuant to the powers granted to it pursuant to Chapter 6, Article V, Section 240 of the Olean City Code and after (1) reviewing said report; (2) after hearing testimony from the Fire Chief in regard thereto; and (3) after having duly deliberated upon the merits of the matter, have determined that the structures on the premises warrant removal,*

*NOW, THEREFORE, BE IT RESOLVED, that: (1) the record owner of the premises is given thirty days from the date of this Resolution to demolish the building(s) located on the premises at 213 West Green Street, City of Olean; Tax Map ID #94.073-5-18, (2) if demolition does not occur prior to the expiration of the thirty day period, the Fire Chief is directed to cause the structures on the premises located at 213 West Green Street, City of Olean; Tax Map ID #94.073-5-18 to be immediately demolished; (2) That the record reflects that on May 12, 2015, Code Enforcement Officer Edward Jennings served an order to remedy on David S. Zawatski, the property owner of record; (3) That the order to remedy or demolish the property at the records owners own expense was to have occurred within 14 days of the service of the owner and to date no action to remedy or demolish has been taken by the record owner; (4) (a) the costs of such demolition shall be charged as an expense against the land on which such building or structure is located secured by a lien filing in the office of the Cattaraugus County Clerk in the amount of the demolition, and (b) the City may commence a special proceeding to collect the costs of said demolition including reasonable and necessary legal expenses incidental to this order to demolish pursuant to New York State General Municipal Law Section 78-b.*

*RESOLVED, that this Resolution shall be effective immediately.  
ROLL CALL, AYES ALL. MOTION CARRIED.*

## **RESOLUTION #22-18**

### **PL #22-18**

*By Alderman Gonzalez, Seconded by Alderman Dougherty*

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***RESOLUTION ORDERING REMOVAL OF STRUCTURES LOCATED AT:  
215 WEST GREEN STREET, CITY OF OLEAN; TAX MAP ID # 94.073-5-17***

*WHEREAS, in accordance with Olean City Code Section 6-240 the Fire Chief has filed his report in writing with the Common Council containing his findings and recommendations regarding certain structures situate on the premises located at 215 West Green Street, City of Olean; Tax Map ID # 94.073-5-17; which report states his opinion that said structures are unsafe, dangerous, and a nuisance to the public and recommends their immediate removal; and*

*WHEREAS, the Common Council pursuant to the powers granted to it pursuant to Chapter 6, Article V, Section 240 of the Olean City Code and after (1) reviewing said report; (2) after hearing testimony from the Fire Chief in regard thereto; and (3) after having duly deliberated upon the merits of the matter, have determined that the structures on the premises warrant removal,*

***NOW, THEREFORE, BE IT RESOLVED,** that: (1) the record owner of the premises is given thirty days from the date of this Resolution to demolish the building(s) located on the premises at 215 West Green Street, City of Olean; Tax Map ID #94.073-5-17, (2) if demolition does not occur prior to the expiration of the thirty day period, the Fire Chief is directed to cause the structures on the premises located at 215 West Green Street, City of Olean; Tax Map ID #94.073-5-17 to be immediately demolished; (2) That the record reflects that on May 13, 2015, Code Enforcement Officer Edward Jennings served an order to remedy on Buddy Langdon, the property owner of record; (3) That the order to remedy or demolish the property at the records owners own expense was to have occurred within 14 days of the service of the owner and to date no action to remedy or demolish has been taken by the record owner; (4) (a) the costs of such demolition shall be charged as an expense against the land on which such building or structure is located secured by a lien filing in the office of the Cattaraugus County Clerk in the amount of the demolition, and (b) the City may commence a special proceeding to collect the costs of said demolition including reasonable and necessary legal expenses incidental to this order to demolish pursuant to New York State General Municipal Law Section 78-b.*

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

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

**RESOLUTION #23-18**

**PL #23-18**

By Alderman Gonzalez, Seconded by Alderman Dougherty

***RESOLUTION ORDERING REMOVAL OF STRUCTURES LOCATED AT:  
128 WEST GREEN STREET, CITY OF OLEAN; TAX MAP ID # 94.073-3-38***

*WHEREAS, in accordance with Olean City Code Section 6-240 the Fire Chief has filed his report in writing with the Common Council containing his findings and recommendations regarding certain structures situate on the premises located at 128 West Green Street, City of Olean; Tax Map ID # 94.073-3-38; which report states his opinion that said structures are unsafe, dangerous, and a nuisance to the public and recommends their immediate removal; and*

*WHEREAS, the Common Council pursuant to the powers granted to it pursuant to Chapter 6, Article V, Section 240 of the Olean City Code and after (1) reviewing said report; (2) after hearing testimony from the Fire Chief in regard thereto; and (3) after*

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*having duly deliberated upon the merits of the matter, have determined that the structures on the premises warrant removal,*

***NOW, THEREFORE, BE IT RESOLVED***, that: (1) the record owner of the premises is given thirty days from the date of this Resolution to demolish the building(s) located on the premises at 128 West Green Street, City of Olean; Tax Map ID #94.073-3-38, (2) if demolition does not occur prior to the expiration of the thirty day period, the Fire Chief is directed to cause the structures on the premises located at 128 West Green Street, City of Olean; Tax Map ID #94.073-3-38 to be immediately demolished; (2) That the record reflects that on January 16, 2014, Code Enforcement Officer Edward Jennings served an order to remedy on Richard Stanton, the property owner of record; (3) That the order to remedy or demolish the property at the records owners own expense was to have occurred within 14 days of the service of the owner and to date no action to remedy or demolish has been taken by the record owner; (4) (a) the costs of such demolition shall be charged as an expense against the land on which such building or structure is located secured by a lien filing in the office of the Cattaraugus County Clerk in the amount of the demolition, and (b) the City may commence a special proceeding to collect the costs of said demolition including reasonable and necessary legal expenses incidental to this order to demolish pursuant to New York State General Municipal Law Section 78-b.

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

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

## **RESOLUTION #24-18**

### **PL #24-18**

By Alderman Gonzalez, Seconded by Alderman Dougherty

#### **RESOLUTION ORDERING REMOVAL OF STRUCTURES LOCATED AT: 329 NORTH FIFTH STREET, CITY OF OLEAN; TAX MAP ID # 94.056-8-29**

***WHEREAS***, in accordance with Olean City Code Section 6-240 the Fire Chief has filed his report in writing with the Common Council containing his findings and recommendations regarding certain structures situate on the premises located at 329 North Fifth Street, City of Olean; Tax Map ID # 94.056-8-29; which report states his opinion that said structures are unsafe, dangerous, and a nuisance to the public and recommends their immediate removal; and

***WHEREAS***, the Common Council pursuant to the powers granted to it pursuant to Chapter 6, Article V, Section 240 of the Olean City Code and after (1) reviewing said report; (2) after hearing testimony from the Fire Chief in regard thereto; and (3) after having duly deliberated upon the merits of the matter, have determined that the structures on the premises warrant removal,

***NOW, THEREFORE, BE IT RESOLVED***, that: (1) the record owner of the premises is given thirty days from the date of this Resolution to demolish the building(s) located on the premises at 329 North Fifth Street, City of Olean; Tax Map ID #94.056-8-29, (2) if demolition does not occur prior to the expiration of the thirty day period, the Fire Chief is directed to cause the structures on the premises located at 329 North Fifth Street, City of Olean; Tax Map ID #94.056-8-29 to be immediately demolished; (2) That the record reflects that on March 2, 2015, Code Enforcement Officer Edward Jennings served an order to remedy on Greentree Services, LLC, the property owner of record; (3) That the order to remedy or demolish the property at the records owners own expense was to have

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*occurred within 14 days of the service of the owner and to date no action to remedy or demolish has been taken by the record owner; (4) (a) the costs of such demolition shall be charged as an expense against the land on which such building or structure is located secured by a lien filing in the office of the Cattaraugus County Clerk in the amount of the demolition, and (b) the City may commence a special proceeding to collect the costs of said demolition including reasonable and necessary legal expenses incidental to this order to demolish pursuant to New York State General Municipal Law Section 78-b.*

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

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

## **RESOLUTION #25-18**

### **PL #25-18**

By Alderman Gonzalez, Seconded by Alderman Dougherty

#### **RESOLUTION ORDERING REMOVAL OF STRUCTURES LOCATED AT: 313 SOUTH SEVENTH STREET, CITY OF OLEAN; TAX MAP ID #94.072-4-48**

**WHEREAS**, in accordance with Olean City Code Section 6-240 the Fire Chief has filed his report in writing with the Common Council containing his findings and recommendations regarding certain structures situate on the premises located at 313 South Seventh Street, City of Olean; Tax Map ID # 94.072-4-48; which report states his opinion that said structures are unsafe, dangerous, and a nuisance to the public and recommends their immediate removal; and

**WHEREAS**, the Common Council, after (1) reviewing said report; (2) after hearing testimony from the Fire Chief in regard thereto; and (3) after having duly deliberated upon the merits of the matter, have determined that the structures on the premises warrant removal;

**NOW, THEREFORE, BE IT RESOLVED**, that the Fire Chief is directed to cause the structures on the premises located at 313 South Seventh Street, City of Olean; Tax Map ID #94.072-4-48 to be immediately demolished.

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

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

## **RESOLUTION #26-18**

### **PL #26-28**

By Alderman George, Seconded by Alderman Witte

#### **TO AUTHORIZE THE MAYOR TO SIGN AND SUBMIT A GRANT APPLICATION TO THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION FOR FUNDING THROUGH THE PEDESTRIAN SAFETY ACTION PLAN CAMPAIGN**

**WHEREAS**, the New York State Departments of Transportation and Health have teamed up with Governor Cuomo's Traffic Safety Committee on a first-of-its-kind pedestrian safety campaign in New York State; and

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**WHEREAS**, a \$110 million, five-year commitment has been made to improving pedestrian safety across New York State by utilizing the Three E's – Engineering, Enforcement, and Education; and

**WHEREAS**, the Pedestrian Safety Action Plan calls for a systemic approach to address widespread pedestrian safety issues and minimize crash potential by implementing low-cost countermeasures throughout the roadway network; and

**WHEREAS**, the plan includes \$40 million of federal Highway Safety Improvement Program (HSIP) funds to implement systematic pedestrian safety projects on local urban roads and streets, which are eligible to receive up to 100% federal HSIP funding;

**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 and Federal assistance for this project, is authorized to sign and submit said application, execute the Grant Agreement, request advances and reimbursements, submit project documentation, and otherwise act for the applicant in all matters related to project funding and to State and Federal assistance.

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

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

Alderman Smith stated that it looks like we are going to be cutting down a little over thirty trees with this money. He hopes that the City does not replant the trees, and that we advise the homeowner not to replant. Trees in the subway are not a luxury we can afford right now.

## **RESOLUTION #27-18**

### **PL #31-18**

By Alderman Crawford, Seconded by Alderman Dougherty

**TO AUTHORIZE THE CREATION OF CAPITAL FUND #185, TREE PRUNING AND REMOVAL,  
AND TO AUTHORIZE THE TRANSFER OF \$40,950 FROM GENERAL FUND CONTINGENCY**

**RESOLVED**, that the Common Council authorizes the creation of Capital Fund #185, Tree Pruning and Removal.

**RESOLVED**, that the Common Council authorizes the transfer of \$40,950 from General Fund Contingency (A-01-5-1990.590) to this newly created Capital Fund #185.

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

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

Mayor Aiello stated that, on behalf of the City, he sends his condolences to Mayor Emily Woodhead of Portville, whose husband passed away.

The Council wished the best of luck to Saint Bonaventure Men's Basketball Team.

## **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*

\_\_\_\_\_  
*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, 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.*

\_\_\_\_\_  
*Lens Martial, City Clerk*