

Journal of Proceedings

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

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

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

ABSENT: *Alderman Smith*

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; 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 March 13, 2018 meeting was made by Alderman Crawford, seconded by Alderman Gonzalez. Voice vote, ayes all. Motion carried.

COMMITTEE REPORTS & UNFINISHED COUNCIL BUSINESS

Report from Finance Committee on PL #27-18, 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. Committee recommends approval. Referred to City Attorney for Resolution.

Report from Finance Committee on PL #28-18, to authorize the City Auditor to bond for the Olean Farmers' Market Project. Committee recommends approval. Referred to City Attorney for Resolution.

Report from Finance Committee on PL #29-18, to authorize the City Auditor to bond for the Olean Creek Bicycle and Pedestrian Crossing Project. Committee recommends approval. Referred to City Attorney for Resolution.

Report from Finance Committee on PL #30-18, to authorize the City Auditor to bond for the Walkable Olean Phase II and BOA Downtown Redevelopment Project. Committee recommends approval. Referred to City Attorney for Resolution.

Report from Strategic Planning Committee on PL #32-18, 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. Committee recommends approval. Referred to City Attorney for Resolution.

Report from Committee of the Whole on PL #35-18, that the Common Council as Lead Agency declares the Downtown Farmers' Market Project a Type I Action that will not result in any significant adverse environmental impact and thus issues a Negative

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Declaration in accordance with the New York State Environmental Quality Review Act. Committee recommends approval. Referred to City Attorney for Resolution.

Report from Committee of the Whole on PL #92-18, to amend water rates, pursuant to Section 27-22, and sewer rates, pursuant to Section 27-167(A) of the City of Olean Code of Ordinances, to raise water rates 5% and sewer rates 3 ½ %. Committee recommends approval. Referred to City Attorney for Resolution.

COMMUNICATIONS FROM THE MAYOR

Proclamation for National Stop the Bleed Day – March 31, 2018 (visit www.bleedingcontrol.org or www.mercyflight.org for more information)

Certificate of Recognition – Souper Bowl of Caring, \$2295 raised and 4,500 items collected – Mac Morton, Sophie Melvin, Jack Dwaileebie, and Marie Rakus

MISCELLANEOUS COMMUNICATIONS

None

CITY OFFICIAL REPORTS

Monthly Report of the City Auditor – month ended February 2018

Quarterly Report of the City Auditor – nine months ended February 28, 2018

PROPOSED LEGISLATION AND REFERRALS

PL #33-18: (Smith) To authorize the transfer of \$1400 from General Fund Contingency to Capital Fund #185 for removal of a tree located at 130 North 17th Street. Referred to Committee of the Whole Tuesday, April 10, 2018 by Council President.

PL #34-18: (Smith) To declare that no trees shall be planted on the public right of way or on City owned property without the prior consent of the Common Council. Referred to Committee of the Whole Tuesday, April 10, 2018 by Council President.

PL #35-18: (Aiello) That the Common Council as Lead Agency declares the Downtown Farmers' Market Project 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. Referred to Committee of the Whole Tuesday, March 27, 2018 by Council President.

PL #36-18: (Aiello) To authorize the Mayor to sign and submit a Grant Application to the New York State Department of Transportation for funding through the Bridge NY Program. Referred to Regular Meeting Tuesday, March 27, 2018 for Resolution by Council President.

PL #37-18: (Crawford) To authorize the sale of 602-604 West Green Street to a private entity. Referred to Regular Meeting Tuesday, March 27, 2018 for Resolution by Council President.

PL #38-18: (Aiello) To amend the water rates, pursuant to Section 27-22, and sewer rates, pursuant to Section 27-167(A) of the City of Olean Code of Ordinances, to raise water rates 5% and sewer rates 3 ½%. Referred to Committee of the Whole Tuesday, March 27, 2018 by Council President.

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PUBLIC COMMENT/INPUT

Alderman Witte stated that she really appreciates that Mr. Paoletto brought up the water problem in Olean. On Madison Avenue, the water heaves the street. They truly need to have something done to it. Later in the meeting, the Council will be voting on Bond Resolutions, and she feels that we are on a spending spree. The street repair for Madison is not in the budget. We need to prioritize.

Dave Winicki of 1509 Stardust Lane stated that he represents 100-plus home in what he calls the "neighborhood on the hill". He urges the Council to take a drive on Madison Avenue if they have not lately. It is a mess. When he speaks with the Mayor or Aldermen, they tell him that the street will be done, but they don't know when. He keeps hearing this and is afraid that we are not getting any closer to a fix. He doesn't think that we can go through another winter with the street in its current condition. He asked that the Council please consider this when they vote on the bonding. The residents in this area pay pretty good taxes, and they have certainly paid the City enough to warrant their street being repaired.

Kevin Bartholomew of 737 Bishop Street stated that he has spoken with several people who are concerned with Spectrum Cable. They continue to increase rates and change requirements that are costly to the residents. He knows that the City cannot control their rates, but he does understand that we have an agreement with the company that allows them to operate in the area. He asked if the Council could consider going out for bids at the end of their agreement to attempt to get a lower priced cable company in the area. He also stated that in the past ten years he has spoken to the Council about many problems that were later fixed. He encouraged the Madison Avenue residents to keep up the fight.

Mary Freeman of 1700 Stardust Lane stated that she is here to echo Mr. Winicki's statement. She recognizes that this is not the only road that needs attention, but she wants to bring it to the Council's attention. It is really the only main road out of their neighborhood. The residents are here to work with the Council to find a solution.

Scott Paoletto of 318 North 11th Street stated that he is glad that the City is trying to fix the water issues now. He stated that this week is Holy Week, and he encourages everyone to get along and pray together.

Alderman Crawford stated that a public comment is a privilege, not a right. This is important to keep in mind.

FINANCE / BILLS

By Alderman George, 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 \$708,684.65 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.

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RESOLUTIONS

RESOLUTION #05-18 REVISED

PL #06-18

By Alderman Witte, Seconded by Alderman Gonzalez

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 Olean Gateway, LLC, 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;

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 #20-18

PL #20-18

By Alderman Dougherty, Seconded by Alderman George

TO AMEND THE CITY OF OLEAN CODE OF ORDINANCES CHAPTER 24, SECTION 24-134, TO RELOCATE "NO PARKING" SIGNS ON A PORTION OF NORTH FOURTH STREET

RESOLVED, that Chapter 24, Section 24-134 of the City of Olean Code of Ordinances is hereby amended as follows:

Street	Side	Extent
Fourth Street, North to the	West	From Wayne Street northerly south bounds of 509 North Fourth Street

RESOLVED, that this Resolution is effective immediately.

ROLL CALL, AYES ALL. MOTION CARRIED.

Alderman Crawford stated that the idea to transfer money to Sidewalk Replacement is to create a revolving loan fund for sidewalk replacement. More details will follow. The overall plan is to not only aid in the improvement of aesthetics, but also to improve public safety.

Alderman Gonzalez added that he feels that this is a good idea because it is a revolving loan fund to residents that is intended to be paid back over time.

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RESOLUTION #28-18

PL #27-18

By Alderman Crawford, Seconded by Alderman Dougherty

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

RESOLVED, that the Common Council authorizes the transfer of \$50,000 from General Fund Balance (A-01-5-9955.550) 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.

RESOLVED, that this Resolution is effective immediately.

ROLL CALL, AYES ALL. MOTION CARRIED.

Alderman Crawford stated that the Bond Resolutions have been discussed extensively previously. The Council met with Municipal Solutions, the “bond experts”. He reminded the Council that the amount being funded is to front the cost of the projects, and a lot of the money will be paid back from grants that the City has been awarded.

Ms. Kerper stated that the Farmers’ Market Project funding is \$600,000 from Senator Young assembled funds, \$220,000 from Empire State Development, \$200,000 from the County, and \$230,000 that the City is responsible for. Alderman Crawford reiterated that when all is said and done, the City is only responsible for \$230,000 of the total funding.

Alderman Witte stated that she feels that spending \$1,200,000 on the Farmers’ Market is spending money that we don’t have. She thinks that the project and the layout are beautiful, but she doesn’t support the funding. \$230,000 is half the cost of Madison Avenue.

Alderman Gonzalez stated that he 100% supports the project. He has liked the idea since it was first brought forward. He feels that this will tie in well with many of the DRI applications that we submitted. He feels that \$230,000 is absolutely worth it.

Alderman Crawford stated that he likes that other revenue streams could be caused by the market. He feels that the City will be very pleased down the road with this investment.

Alderman George stated that this will be quite a destination for the downtown. He hopes that this will bring additional foot traffic onto North Union Street which will be beneficial to the businesses downtown.

Alderman Witte stated that she is not against the project. She just feels that there could be a lower price tag.

Alderman Dougherty stated that he feels that the project is beautiful. He feels that it will bring Lincoln Park to its former glory and the design really gives it a feel of what Olean once was when the Governor’s Mansion was there.

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RESOLUTION #29-18

PL #28-18

By Alderman Crawford, Seconded by Alderman Dougherty

A BOND RESOLUTION, DATED MARCH 27, 2018, OF THE COMMON COUNCIL OF THE CITY OF OLEAN, CATTARAUGUS COUNTY, NEW YORK (THE "CITY"), AUTHORIZING A CAPITAL IMPROVEMENTS PROJECT IN LINCOLN PARK IN THE CITY CONSISTING OF THE CONSTRUCTION OF A FARMERS' MARKET, AT AN ESTIMATED MAXIMUM COST OF \$1,250,000, AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$1,250,000 OF THE CITY, PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE SAID PURPOSE, SAID AMOUNT TO BE OFFSET BY ANY FEDERAL, STATE, COUNTY AND/OR LOCAL FUNDS RECEIVED, AND DELEGATING THE POWER TO ISSUE BOND ANTICIPATION NOTES IN ANTICIPATION OF THE SALE OF SUCH BONDS TO THE CITY AUDITOR.

WHEREAS, the Common Council of the City of Olean, in the County of Cattaraugus, New York (the "City") desires to undertake a capital improvements project in Lincoln Park in the City consisting of the construction of a Farmers' Market (collectively, the "Project");

NOW, THEREFORE, BE IT RESOLVED, by the Common Council (by the favorable vote of not less than two-thirds of all the members of the Council) as follows:

SECTION 1. The City is hereby authorized to undertake a capital improvements project in Lincoln Park in the City consisting of the construction of a Farmers' Market including, but not limited to, the construction of a permanent open-air arcade structure, restroom facilities, outdoor bistro, children's play area and the installation of decorative fencing, as well as other such improvements as more fully identified in (or contemplated by) a report prepared in connection with such project, including all preliminary work and necessary equipment, materials, and site work and all preliminary costs and costs incidental thereto and in connection with the financing thereof (collectively, the "Purpose"). The estimated maximum cost of the Purpose is \$1,250,000.

SECTION 2. The Common Council plans to finance the estimated maximum cost of said purpose by the issuance of serial bonds in an aggregate principal amount not to exceed \$1,250,000 of the City, hereby authorized to be issued therefor pursuant to the Local Finance Law, said amount to be offset by any federal, state, county and/or local funds received including, but not limited to, grants expected to be received from New York State. Unless paid from other sources or charges, the cost of such improvement is to be paid by the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

SECTION 3. The Director of Public Works has determined that the useful life of the Purpose (which is classified as a capital asset under generally accepted accounting principles for municipalities) is at least 15 years, and, accordingly, pursuant to subdivision 35 of paragraph (a) of Section 11.00 of the Local Finance Law, the period of probable usefulness of the Purpose herein authorized is 15 years.

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SECTION 4. Current funds are not required to be provided prior to the issuance of the bonds authorized by this resolution or any notes issued in anticipation of the sale of said bonds.

SECTION 5. It is hereby determined the proposed maturity of the obligations authorized by this resolution will be in excess of five years.

SECTION 6. The faith and credit of said City are hereby irrevocably pledged for the payment of the principal of and interest on such bonds (and any bond anticipation notes issued in anticipation of the sale of such bonds) as the same respectively become due and payable. An annual appropriation will be made in each year sufficient to pay the principal of and interest on such bonds or notes becoming due and payable in such year. Unless paid from other sources or charges, there will annually be levied on all the taxable real property of said City a tax sufficient to pay the principal of and interest on such bonds or notes as the same become due and payable.

SECTION 7. Subject to the provisions of this resolution and of the Local Finance Law, and pursuant to the provisions of Section 21.00 relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and of Section 50.00, Sections 56.00 to 60.00, Section 62.00, Section 62.10, Section 63.00, and Section 164.00 of the Local Finance Law, the powers and duties of the Common Council pertaining or incidental to the sale and issuance of the obligations herein authorized, including but not limited to authorizing bond anticipation notes and prescribing the terms, form and contents and details as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said notes, are hereby delegated to the City Auditor, the chief fiscal officer of the City. Without in any way limiting the scope of the foregoing delegation of powers, the City Auditor, to the extent permitted by Section 58.00(f) of the Local Finance Law, is specifically authorized to accept bids submitted in electronic format for any bonds or notes of the City.

SECTION 8. The temporary use of available funds of the City, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Local Finance Law, for the purpose or purposes described in Section 1 of this resolution. The City then reasonably expects to reimburse any such expenditures (to the extent made after the date hereof or within 60 days prior to the earlier of (a) the date hereof or (b) the date of any earlier expression by the City of its intent to reimburse such expenditures) with the proceeds of the bonds authorized by Section 2 of this resolution (or with the proceeds of any bond anticipation notes issued in anticipation of the sale of such bonds). This resolution shall constitute the declaration (or reaffirmation) of the City's "official intent" to reimburse the expenditures authorized by Section 2 hereof with such bond or note proceeds, as required by United States Treasury Regulations Section 1.150-2.

SECTION 9. The City Auditor is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution, and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and may designate the bonds authorized by this resolution, and any notes issued in anticipation thereof, as "qualified tax-exempt bonds" in accordance with Section 265(b)(3) of the Code.

SECTION 10. The City Auditor is further authorized to enter into a continuing disclosure agreement with the initial purchaser of the bonds or notes authorized by this resolution, containing provisions which are satisfactory to such purchaser in compliance with the provisions of Rule 15c2-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

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SECTION 11. The City has complied with applicable federal, state and local laws and regulations regarding environmental matters, including compliance with the New York State Environmental Quality Review Act (“SEQRA”), comprising Article 8 of the Environmental Conservation Law and, in connection therewith, duly issued a negative declaration and/or other applicable documentation, and therefore, no further action under SEQRA is necessary.

SECTION 12. In the absence or unavailability of the City Auditor, the Deputy Auditor is hereby specifically authorized to exercise the powers delegated to the City Auditor in this resolution.

SECTION 13. The validity of said serial bonds or of any bond anticipation notes issued in anticipation of the sale of said serial bonds may be contested only if:

1. (a) *such obligations are authorized for an object or purpose for which said City is not authorized to expend money, or*

(b) *the provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with,*

and an action, suit or proceeding contesting such validity is commenced within 20 days after the date of such publication; or

2. *such obligations are authorized in violation of the provisions of the Constitution of New York.*

SECTION 14. The City Clerk is hereby authorized and directed to publish this resolution, or a summary thereof, together with a notice in substantially the form provided by Section 81.00 of said Local Finance Law, in a newspaper having a general circulation in said City and hereby designated as the official newspaper of said City for such publication.

SECTION 15. This Resolution is effective immediately.

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

Ms. Kerper stated that the cost for the Olean Creek Bicycle and Pedestrian Crossing project is \$133,000 for the City. The rest will be reimbursed by a grant from the Department of Transportation.

RESOLUTION #30-18

PL #29-18

By Alderman Witte, Seconded by Alderman Smith

A BOND RESOLUTION, DATED MARCH 27, 2018, OF THE COMMON COUNCIL OF THE CITY OF OLEAN, CATTARAUGUS COUNTY, NEW YORK (THE “CITY”), AUTHORIZING A CAPITAL IMPROVEMENTS PROJECT CONSISTING OF THE CONSTRUCTION OF A BICYCLE AND PEDESTRIAN TRAIL IN THE CITY, AT AN ESTIMATED MAXIMUM COST OF \$669,395 AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$669,395 OF THE CITY, PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE SAID PURPOSE, SAID AMOUNT TO BE OFFSET BY ANY FEDERAL, STATE, COUNTY

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AND/OR LOCAL FUNDS RECEIVED, AND DELEGATING THE POWER TO ISSUE BOND ANTICIPATION NOTES IN ANTICIPATION OF THE SALE OF SUCH BONDS TO THE CITY AUDITOR.

WHEREAS, the Common Council of the City of Olean, in the County of Cattaraugus, New York (the "City") desires to undertake a capital improvements project consisting of the construction of a bicycle and pedestrian trail in the City (collectively, the "Project");

NOW, THEREFORE, BE IT RESOLVED, by the Common Council (by the favorable vote of not less than two-thirds of all the members of the Council) as follows:

SECTION 1. The City is hereby authorized to undertake a capital improvements project consisting of the construction of a bicycle and pedestrian trail in the City including, but not limited to, the construction of a multi-use pathway within War Veterans Park and along various streets in the City and the installation of new lighting, as well as other such improvements as more fully identified in (or contemplated by) a report prepared in connection with such project, including all preliminary work and necessary equipment, materials, and site work and all preliminary costs and costs incidental thereto and in connection with the financing thereof (collectively, the "Purpose"). The estimated maximum cost of the Purpose is \$669,395.

SECTION 2. The Common Council plans to finance the estimated maximum cost of said purpose by the issuance of serial bonds in an aggregate principal amount not to exceed \$669,395 of the City, hereby authorized to be issued therefor pursuant to the Local Finance Law, said amount to be offset by any federal, state, county and/or local funds received including, but not limited to, a Transportation Enhancement Program Grant expected to be received from NYSDOT. Unless paid from other sources or charges, the cost of such improvement is to be paid by the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

SECTION 3. The Director of Public Works has determined that the useful life of the Purpose (which is classified as a capital asset under generally accepted accounting principles for municipalities) is at least 15 years, and, accordingly, pursuant to subdivision 35 of paragraph (a) of Section 11.00 of the Local Finance Law, the period of probable usefulness of the Purpose herein authorized is 15 years.

SECTION 4. Current funds are not required to be provided prior to the issuance of the bonds authorized by this resolution or any notes issued in anticipation of the sale of said bonds.

SECTION 5. It is hereby determined the proposed maturity of the obligations authorized by this resolution will be in excess of five years.

SECTION 6. The faith and credit of said City are hereby irrevocably pledged for the payment of the principal of and interest on such bonds (and any bond anticipation notes issued in anticipation of the sale of such bonds) as the same respectively become due and payable. An annual appropriation will be made in each year sufficient to pay the principal of and interest on such bonds or notes becoming due and payable in such year. Unless paid from other sources or charges, there will annually be levied on all the taxable real property of said City a tax sufficient to pay the principal of and interest on such bonds or notes as the same become due and payable.

SECTION 7. Subject to the provisions of this resolution and of the Local Finance Law, and pursuant to the provisions of Section 21.00 relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation

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notes and of Section 50.00, Sections 56.00 to 60.00, Section 62.00, Section 62.10, Section 63.00, and Section 164.00 of the Local Finance Law, the powers and duties of the Common Council pertaining or incidental to the sale and issuance of the obligations herein authorized, including but not limited to authorizing bond anticipation notes and prescribing the terms, form and contents and details as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said notes, are hereby delegated to the City Auditor, the chief fiscal officer of the City. Without in any way limiting the scope of the foregoing delegation of powers, the City Auditor, to the extent permitted by Section 58.00(f) of the Local Finance Law, is specifically authorized to accept bids submitted in electronic format for any bonds or notes of the City.

SECTION 8. The temporary use of available funds of the City, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Local Finance Law, for the purpose or purposes described in Section 1 of this resolution. The City then reasonably expects to reimburse any such expenditures (to the extent made after the date hereof or within 60 days prior to the earlier of (a) the date hereof or (b) the date of any earlier expression by the City of its intent to reimburse such expenditures) with the proceeds of the bonds authorized by Section 2 of this resolution (or with the proceeds of any bond anticipation notes issued in anticipation of the sale of such bonds). This resolution shall constitute the declaration (or reaffirmation) of the City's "official intent" to reimburse the expenditures authorized by Section 2 hereof with such bond or note proceeds, as required by United States Treasury Regulations Section 1.150-2.

SECTION 9. The City Auditor is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution, and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and may designate the bonds authorized by this resolution, and any notes issued in anticipation thereof, as "qualified tax-exempt bonds" in accordance with Section 265(b)(3) of the Code.

SECTION 10. The City Auditor is further authorized to enter into a continuing disclosure agreement with the initial purchaser of the bonds or notes authorized by this resolution, containing provisions which are satisfactory to such purchaser in compliance with the provisions of Rule 15c2-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

SECTION 11. The City has complied with applicable federal, state and local laws and regulations regarding environmental matters, including compliance with the New York State Environmental Quality Review Act ("SEQRA"), comprising Article 8 of the Environmental Conservation Law and, in connection therewith, duly issued a negative declaration and/or other applicable documentation, and therefore, no further action under SEQRA is necessary.

SECTION 12. In the absence or unavailability of the City Auditor, the Deputy Auditor is hereby specifically authorized to exercise the powers delegated to the City Auditor in this resolution.

SECTION 13. The validity of said serial bonds or of any bond anticipation notes issued in anticipation of the sale of said serial bonds may be contested only if:

1. (a) such obligations are authorized for an object or purpose for which said City is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with,

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and an action, suit or proceeding contesting such validity is commenced within 20 days after the date of such publication; or

2. *such obligations are authorized in violation of the provisions of the Constitution of New York.*

SECTION 14. The City Clerk is hereby authorized and directed to publish this resolution, or a summary thereof, together with a notice in substantially the form provided by Section 81.00 of said Local Finance Law, in a newspaper having a general circulation in said City and hereby designated as the official newspaper of said City for such publication.

SECTION 15. This Resolution is effective immediately.

ROLL CALL, AYES ALL. MOTION CARRIED.

Alderman Crawford stated that, in terms of the Walkable Olean Phase II project, changes were made and the Council made some different choices and decisions. The City will not be demolishing the City Garage.

Alderman Gonzalez stated that, as Mr. Jeff Belt, the biggest champion for Olean in Albany, says, it is imperative that the City maintain positive momentum that was started with North Union Street. Alderman Crawford stated that he agrees and supports this project one hundred percent. He does, however, feel we need to take a step back after this project.

Alderman Witte agreed that we need to keep moving on, but that we also need to look at wants versus needs when we move forward.

Ms. Kerper stated that the costs of this project are \$280,000 of Empire State Development funds, \$355,000 of City funding and the rest are Department of Transportation funds.

RESOLUTION #31-18

PL #30-18

By Alderman Gonzalez, Seconded by Alderman Crawford

A BOND RESOLUTION, DATED MARCH 27, 2018, OF THE COMMON COUNCIL OF THE CITY OF OLEAN, CATTARAUGUS COUNTY, NEW YORK (THE "CITY"), AUTHORIZING A CAPITAL IMPROVEMENTS PROJECT CONSISTING OF VARIOUS STREETScape IMPROVEMENTS IN THE CITY, AT AN ESTIMATED MAXIMUM COST OF \$1,429,820, AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$1,429,820 OF THE CITY, PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE SAID PURPOSE, SAID AMOUNT TO BE OFFSET BY ANY FEDERAL, STATE, COUNTY AND/OR LOCAL FUNDS RECEIVED, AND DELEGATING THE POWER TO ISSUE BOND ANTICIPATION NOTES IN ANTICIPATION OF THE SALE OF SUCH BONDS TO THE CITY AUDITOR.

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WHEREAS, the Common Council of the City of Olean, in the County of Cattaraugus, New York (the "City") desires to undertake a capital improvements project consisting of various streetscape improvements in the City (collectively, the "Project");

NOW, THEREFORE, BE IT RESOLVED, by the Common Council (by the favorable vote of not less than two-thirds of all the members of the Council) as follows:

SECTION 1. The City is hereby authorized to undertake a capital improvements project consisting of various streetscape improvements in the City including, but not limited to, the installation of new bike lanes, construction of new sidewalks and curbs, installation of new signage and pedestrian signals, modification of lane configurations and striping, as well as other such improvements as more fully identified in (or contemplated by) a report prepared in connection with such project, including all preliminary work and necessary equipment, materials, and site work and all preliminary costs and costs incidental thereto and in connection with the financing thereof (collectively, the "Purpose"). The estimated maximum cost of the Purpose is \$1,429,820.

SECTION 2. The Common Council plans to finance the estimated maximum cost of said purpose by the issuance of serial bonds in an aggregate principal amount not to exceed \$1,429,820 of the City, hereby authorized to be issued therefor pursuant to the Local Finance Law, said amount to be offset by any federal, state, county and/or local funds received including, but not limited to, grant funds expected to be received from New York State. Unless paid from other sources or charges, the cost of such improvement is to be paid by the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

SECTION 3. The Director of Public Works has determined that the useful life of the Purpose (which is classified as a capital asset under generally accepted accounting principles for municipalities) is at least 15 years, and, accordingly, pursuant to subdivision 35 of paragraph (a) of Section 11.00 of the Local Finance Law, the period of probable usefulness of the Purpose herein authorized is 15 years.

SECTION 4. Current funds are not required to be provided prior to the issuance of the bonds authorized by this resolution or any notes issued in anticipation of the sale of said bonds.

SECTION 5. It is hereby determined the proposed maturity of the obligations authorized by this resolution will be in excess of five years.

SECTION 6. The faith and credit of said City are hereby irrevocably pledged for the payment of the principal of and interest on such bonds (and any bond anticipation notes issued in anticipation of the sale of such bonds) as the same respectively become due and payable. An annual appropriation will be made in each year sufficient to pay the principal of and interest on such bonds or notes becoming due and payable in such year. Unless paid from other sources or charges, there will annually be levied on all the taxable real property of said City a tax sufficient to pay the principal of and interest on such bonds or notes as the same become due and payable.

SECTION 7. Subject to the provisions of this resolution and of the Local Finance Law, and pursuant to the provisions of Section 21.00 relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and of Section 50.00, Sections 56.00 to 60.00, Section 62.00, Section 62.10, Section 63.00, and Section 164.00 of the Local Finance Law, the powers and duties of the Common Council pertaining or incidental to the sale and issuance of the obligations herein authorized, including but not limited to authorizing bond anticipation notes and

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prescribing the terms, form and contents and details as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said notes, are hereby delegated to the City Auditor, the chief fiscal officer of the City. Without in any way limiting the scope of the foregoing delegation of powers, the City Auditor, to the extent permitted by Section 58.00(f) of the Local Finance Law, is specifically authorized to accept bids submitted in electronic format for any bonds or notes of the City.

SECTION 8. The temporary use of available funds of the City, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Local Finance Law, for the purpose or purposes described in Section 1 of this resolution. The City then reasonably expects to reimburse any such expenditures (to the extent made after the date hereof or within 60 days prior to the earlier of (a) the date hereof or (b) the date of any earlier expression by the City of its intent to reimburse such expenditures) with the proceeds of the bonds authorized by Section 2 of this resolution (or with the proceeds of any bond anticipation notes issued in anticipation of the sale of such bonds). This resolution shall constitute the declaration (or reaffirmation) of the City's "official intent" to reimburse the expenditures authorized by Section 2 hereof with such bond or note proceeds, as required by United States Treasury Regulations Section 1.150-2.

SECTION 9. The City Auditor is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution, and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and may designate the bonds authorized by this resolution, and any notes issued in anticipation thereof, as "qualified tax-exempt bonds" in accordance with Section 265(b)(3) of the Code.

SECTION 10. The City Auditor is further authorized to enter into a continuing disclosure agreement with the initial purchaser of the bonds or notes authorized by this resolution, containing provisions which are satisfactory to such purchaser in compliance with the provisions of Rule 15c2-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

SECTION 11. The City has complied with applicable federal, state and local laws and regulations regarding environmental matters, including compliance with the New York State Environmental Quality Review Act ("SEQRA"), comprising Article 8 of the Environmental Conservation Law and, in connection therewith, duly issued a negative declaration and/or other applicable documentation, and therefore, no further action under SEQRA is necessary.

SECTION 12. In the absence or unavailability of the City Auditor, the Deputy Auditor is hereby specifically authorized to exercise the powers delegated to the City Auditor in this resolution.

SECTION 13. The validity of said serial bonds or of any bond anticipation notes issued in anticipation of the sale of said serial bonds may be contested only if:

1. (a) such obligations are authorized for an object or purpose for which said City is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within 20 days after the date of such publication; or

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2. *such obligations are authorized in violation of the provisions of the Constitution of New York.*

SECTION 14. The City Clerk is hereby authorized and directed to publish this resolution, or a summary thereof, together with a notice in substantially the form provided by Section 81.00 of said Local Finance Law, in a newspaper having a general circulation in said City and hereby designated as the official newspaper of said City for such publication.

SECTION 15. This Resolution is effective immediately.
ROLL CALL, AYES ALL. MOTION CARRIED.

RESOLUTION #33-18

PL #35-18

By Alderman Dougherty, Seconded by Alderman Gonzalez

THAT THE COMMON COUNCIL AS LEAD AGENCY DECLARES THE DOWNTOWN FARMERS' MARKET PROJECT TO BE A TYPE I ACTION THAT WILL NOT RESULT IN ANY SIGNIFICANT ADVERSE ENVIRONMENTAL IMPACT AND THUS ISSUES A NEGATIVE DECLARATION

WHEREAS, the Downtown Farmers' Market Project has committed grant funding from Senator Young assembled funds administered by the Dormitory Authority State of New York (DASNY), Empire State Development and Cattaraugus County along with City committed funding; and

WHEREAS, the City of Olean proposes to construct a permanent open-air arcade farmers' market structure, restroom facility, outdoor bistro, children's play area and decorative fencing, etc. at City-owned Lincoln Park, 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 the 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 Downtown Farmers' Market Project will result in no major impacts and will not cause significant damage to the environment. A Negative Declaration under SEQR is therefore issued for this action.

RESOLVED, that this Resolution is effective immediately.

ROLL CALL, AYES ALL. MOTION CARRIED.

TION #34-18

PL #36-18

By Alderman Witte, Seconded by Alderman Andreano

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TO AUTHORIZE THE MAYOR TO SIGN AND SUBMIT A GRANT APPLICATION TO THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION FOR FUNDING THROUGH THE BRIDGE NY PROGRAM

WHEREAS, New York State, building upon Governor Cuomo's unparalleled investment in transforming New York's transportation infrastructure, is making no match funding available for local governments over the next two years to rehabilitate and replace bridges and culverts statewide; and

WHEREAS, this investment in local transportation infrastructure will support the needs to the traveling public, movement of goods and regional economic competitiveness; and

WHEREAS, projects selected for funding under the BRIDGE NY Program will be evaluated based on the resiliency of the structure, including such factors as hydraulic vulnerability and structural resiliency, the significance and importance of the bridge including traffic volumes, detour considerations, number and types of businesses served and impacts on commerce, and the current bridge and culvert structural conditions; and

WHEREAS, the City of Olean Department of Public Works has determined that the Front Street culvert is a desirable candidate for funding through the aforementioned program;

NOW, THEREFORE, BE IT RESOLVED, that the Common Council authorizes the Mayor to sign and submit a Grant Application to the New York State Department of Transportation for funding through the Bridge NY Program.

RESOLVED, that this Resolution is effective immediately.

ROLL CALL, AYES ALL. MOTION CARRIED.

Alderman Crawford stated that this is another property that adds to the blight issue in the City. We have found a very willing party who has stepped forward to take this on. This is one of the City-owned homes received from the County.

Alderman Andreano stated that it is huge that this family wants to improve the neighborhood.

Alderman Gonzalez stated that it is also important to point out that the City will ensure that the purchaser will follow timelines and stipulations set by the city. Alderman Crawford stated that he feels that ten months is a reasonable time period to have the home renovated.

RESOLUTION #35-18

PL #37-18

By Alderman Crawford, Seconded by Alderman Andreano

TO AUTHORIZE THE SALE OF 602-604 WEST GREENE STREET TO A PRIVATE ENTITY

WHEREAS, on October 25, 2016 the Common Council enacted Local Law #01-2016, adopting a policy for the sale or franchise of City-owned property; and

WHEREAS, said Local Law authorizes the Common Council to authorize a private sale of City-owned property not needed for public or municipal purposes, if said sale is in the best interests of the City; and

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WHEREAS, Michael and Kathleen Martel, city residents and owners of (“Residents”) 212 South Eleventh Street., have submitted to the Common Council a purchase offer for City owned property (“City Property”) located 602-604 West Green Street, and

WHEREAS, the Residents have shown a valid interest in the City Property and said purchase offer requires the resident to rehabilitate the City Property and receive a Certificate of Occupancy from the City of Olean Code Enforcement Department within 10 months of conveyance to the resident by the City, and

NOW, THEREFORE, BE IT RESOLVED, THAT the Common Council declares that the City Property identified as 602-604 West Greene Street (s/b/l: 94.072-4-35) as property that is no longer needed for public or municipal purposes; and,

BE IT FURTHER RESOLVED, THAT the Common Council determines that the sale of the property to Michael and Kathleen Martel, with the condition that the property be rehabilitated and receive a Certificate of Occupancy within ten months is in the best interests of the City, and

BE IT FURTHER RESOLVED, THAT the City will sell and convey its rights, title and interest in and to the real property identified as 602-604 West Green Street (s/b/l: 94.072-4-35) to Michael and Kathleen Martel for \$1.00 and the costs of the conveyance, and

RESOLVED, THAT the deed conveying title to the property shall contain the following restrictive and reversionary language which are intended to run with the land. ;

- 1. Failure of the Grantee to rehabilitate the property and receive a Certificate of Occupancy on or before February 26, 2019 without a duly resolved extension of time authorized by the City, shall cause the property to revert back to the Grantor.*
- 2. No additional structures of any type may be erected on the property without a duly authorized resolution of the Common Council.*

RESOLVED, that the deed shall not be executed and delivered to the Grantee until the time period specified in Local Law 01-2016, for the filing of a petition demanding a public referendum on the proposed sale, has expired.

RESOLVED, that this Resolution is effective immediately.

ROLL CALL, AYES ALL. MOTION CARRIED.

Alderman Crawford stated that while it is unfortunate, there are several factors as to why the Council needs to raise water and sewer rates.

RESOLUTION #36-18

PL #38-18

By Alderman Dougherty, Seconded by Alderman Crawford

TO AMEND THE WATER RATES, PURSUANT TO SECTION 27-22, AND SEWER RATES, PURSUANT TO SECTION 27-167(A) OF THE CITY OF OLEAN CODE OF ORDINANCES, TO RAISE WATER RATES 5% AND SEWER RATES 3 ½ %

WHEREAS, the Common Council will adopt the 2018-2019 Budget reflecting an increase of water and sewer rates 5% and 3 ½% respectively; and

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WHEREAS, a public hearing was held on March 27, 2018 in the Council Chambers at 6:15 p.m. pursuant to Sections 27-22(1) and 27-167(1) of the City of Olean Code of Ordinances; and

WHEREAS, water services provided by the City of Olean shall from time to time in each case be established by the Common Council pursuant to Chapter 27, Article II, Division 1, Section 27-22; and

WHEREAS, sewer services provided by the City of Olean shall from time to time in each case be established by the Common Council pursuant to Chapter 27, Article III, Division 5, Section 27-167;

RESOLVED, that water services provided within the boundaries of the City, water rates shall be as follows:

Monthly:

RESIDENTIAL RATES

WATER:

First	2,600 gallons	.00962 cents per gallon
Next	10,000 gallons	.00783 cents per gallon
Next	15,000 gallons	.00717 cents per gallon
Thereafter;		.00644 cents per gallon

SEWER:

.00939 cents per gallon

COMMERCIAL RATES

WATER:

First	2,600 gallons	.00962 cents per gallon
Next	10,000 gallons	.00885 cents per gallon
Next	15,000 gallons	.00802 cents per gallon
Thereafter;		.00644 cents per gallon

SEWER:

.00939 cents per gallon

INDUSTRIAL

WATER:

First	75,000 gallons	.007136 cents per gallon
Next	150,000 gallons	.006437 cents per gallon
Next	375,000 gallons	.004883 cents per gallon
Next	600,000 gallons	.004704 cents per gallon
Next	6,285,000 gallons	.003854 cents per gallon
Thereafter;		.003381 cents per gallon

SEWER:

.00769 cents per gallon

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RESIDENTIAL RATES OUTSIDE THE CITY

WATER:

<i>First</i>	<i>2,600 gallons</i>	<i>.01443 cents per gallon</i>
<i>Next</i>	<i>10,000 gallons</i>	<i>.01203 cents per gallon</i>
<i>Next</i>	<i>15,000 gallons</i>	<i>.01076 cents per gallon</i>
<i>Thereafter;</i>		<i>.00966 cents per gallon</i>

SEWER:

.01409 cents per gallon

COMMERCIAL RATES OUTSIDE THE CITY

WATER:

<i>First</i>	<i>2,600 gallons</i>	<i>.01443 cents per gallon</i>
<i>Next</i>	<i>10,000 gallons</i>	<i>.01328 cents per gallon</i>
<i>Next</i>	<i>15,000 gallons</i>	<i>.01203 cents per gallon</i>
<i>Thereafter;</i>		<i>.00966 cents per gallon</i>

SEWER:

.01409 cents per gallon

INDUSTRIAL RATES OUTSIDE THE CITY

WATER:

<i>First</i>	<i>75,000 gallons</i>	<i>.010704 cents per gallon</i>
<i>Next</i>	<i>150,000 gallons</i>	<i>.00966 cents per gallon</i>
<i>Next</i>	<i>375,000 gallons</i>	<i>.007329 cents per gallon</i>
<i>Next</i>	<i>600,000 gallons</i>	<i>.007056 cents per gallon</i>
<i>Next</i>	<i>6,285,000 gallons</i>	<i>.005786 cents per gallon</i>
<i>Thereafter;</i>		<i>.005072 cents per gallon</i>

SEWER:

.011297 cents per gallon

IT IS FURTHER RESOLVED, that the water rates and sewer rates set forth above shall take effect April 1, 2018 and will be reflected in the billing sent out beginning June 1, 2018.

ROLL CALL, AYES ALL EXCEPT ALDERMAN ANDREANO, WHO VOTED NAY. 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.

Lens Martial, City Clerk

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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.

Lens Martial, City Clerk