

Journal of Proceedings

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

April 24, 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, April 24, 2018 at 6:50 p.m.

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

ABSENT: *None*

OFFICIALS: *Mayor William Aiello; Lens Martial, City Clerk; Nicholas DiCerbo, Jr., City Attorney; Fred Saradin, City Auditor; Keri Kerper, Community Development Program Coordinator; Bob Ring, Director of Public Works; Bob Bell, Fire Chief; Jeff Rowley, Police Chief; Ed Jennings, Code Enforcement Supervisor, 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 April 10, 2018 meeting was made by Alderman Crawford, seconded by Alderman Andreano. Voice vote, ayes all. Motion carried.

COMMITTEE REPORTS & UNFINISHED COUNCIL BUSINESS

Report from Committee of the Whole on PL #48-18, to authorize the sale of 105 South Thirteenth Street to a private entity. Committee recommends approval. Referred to City Attorney for Resolution.

Report from Committee of the Whole on PL #49-18, to authorize the transfer of \$97,000 from General Fund Contingency, \$30,000 from Water Fund Contingency, and \$30,000 from Sewer Fund Contingency to Vehicle Replacement Fund (Capital Fund #102) for the purchase of a new Department of Public Works truck and backhoe. Committee recommends approval. Referred to City Attorney for Resolution.

COMMUNICATIONS FROM THE MAYOR

Special Proclamation for Arbor Day – April 27, 2018, and Tree City USA

Mayor Aiello extended condolences on behalf of the City to the family of Ellen Lorenzini who recently passed away. She was an Alderwoman for the City from 1978 until 1995.

MISCELLANEOUS COMMUNICATIONS

None

CITY OFFICIAL REPORTS

Monthly Report of the City Auditor – month ended March 2018

PROPOSED LEGISLATION AND REFERRALS

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PL #42-18: (Aiello) To authorize the Mayor to sign and submit a grant application to Kaboom for the Play Everywhere Challenge, supported by the Ralph C. Wilson, Jr. Foundation for the Whitney Avenue Trailhead Parklet Project in an amount not to exceed \$80,000. Referred to Regular Meeting Tuesday, April 24, 2018 for Resolution by Council President.

PL #43-18: (Aiello) To increase various fees as reflected in the 2018-2019 Budget. Referred to Regular Meeting Tuesday, April 24, 2018 for Resolution by Council President.

PL #44-18: (Crawford) To amend the City of Olean Code of Ordinances Section 24-135 to prohibit parking and install “No Parking Here to Corner” signs on the east side of North Tenth Street for a distance of approximately 55 feet from its intersection with Wayne Street. Referred to Public Safety Committee by Council President.

PL #45-18: (Crawford) To order the removal of the structure located at 1210 Reed Street. Referred to City Operations Committee by Council President.

PL #46-18: (Crawford) To order the removal of the structure located at 305 North Seventh Street. Referred to City Operations Committee by Council President.

PL #47-18: (Aiello) To amend the City of Olean’s Local Highway Inventory as per recommendations submitted by the New York State Department of Transportation. Referred to City Operations Committee by Council President.

PL #48-18: (Aiello) To authorize the sale of 105 South Thirteenth Street to a private entity. Referred to Committee of the Whole Tuesday, April 24, 2018 by Council President.

PL #49-18: (Crawford) To authorize the transfer of \$97,000 from General Fund Contingency, \$30,000 from Water Fund Contingency, and \$30,000 from Sewer Fund Contingency to Vehicle Replacement Fund (Capital Fund #102) for the purchase of a new Department of Public Works truck and backhoe. Referred to Committee of the Whole Tuesday, April 24, 2018 by Council President.

PUBLIC COMMENT/INPUT

Alderman Crawford congratulated Mr. Bob Clark of the Olean Times Herald on his recent New York State AP Award.

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 \$923,733.34 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

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

A motion to amend the agenda to include Resolutions #49-18 and #50-18 was made by Alderman Crawford, seconded by Alderman Andreano. Voice vote, ayes all. Motion carried.

Alderman Crawford stated that Resolution #42-18 was previously discussed in Committee. He feels that this is a great opportunity to obtain 100 percent funding for a park in the City.

Alderman Gonzalez stated that he received a letter from a constituent in his ward addressed to the entire Council. The constituent is concerned regarding the proximity of the park to the railroad, as well as the urban environment.

Alderman Witte stated that she feels that this is a great idea, but she has had a lot of contact from residents who don't like the location. She also does not think that this is a "free" park, as there will be a lot of man hours involved that will cost the City money. The park will need to be constructed, and the Parks Department will have to maintain the park in the future.

Alderman Crawford reminded the Council that we are just submitting the application, and we are not sure at this point if we will be given the funding. If we are awarded funding for this project, there will be further discussion down the road.

Alderman Gonzalez stated that he feels that this is a great idea. It is another attraction for the downtown area.

Alderman Smith stated that he knows that this money hasn't been awarded yet. He is not crazy about the idea, but if we were awarded the funding, the equipment would be free. He understands that this is a part of a larger attempt to beautify the City, but no beautification project addresses the number one problem we face. New York State residents live in one of the most business unfriendly areas in the nation.

Alderman Crawford stated that with a project like this, if we don't do it, someone else will. If we can attract someone who was interested in a different municipality because of something like this, then it is a win for Olean.

Alderman George stated that he supports this project. It is tough to utilize the parcel that this is to be placed on. He does see how some could have concerns regarding the railroad, but if it is done right, it could be great.

RESOLUTION #42-18

PL #42-18

By Alderman Crawford, Seconded by Alderman Gonzalez

TO AUTHORIZE THE MAYOR TO SIGN AND SUBMIT A GRANT APPLICATION TO KABOOM FOR THE PLAY EVERYWHERE CHALLENGE, SUPPORTED BY THE RALPH C. WILSON, JR. FOUNDATION, FOR THE WHITNEY AVENUE TRAILHEAD PARKLET PROJECT IN AN AMOUNT NOT TO EXCEED \$80,000

WHEREAS, the City of Olean Common Council is desirous of undertaking a project to create the Trailhead Parklet ("Trailhead Parklet Project") to transform underutilized City owned property along Whitney Avenue into a public playground; and

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WHEREAS, the Ralph C. Wilson, Jr. Foundation supports the Kaboom for the Play Everywhere Challenge, a grant opportunity for up to \$80,000 in funding for community-driven, scalable solutions for integrating play into everyday life; and

WHEREAS, said grant has potential opportunity for funding with no local match;

RESOLVED, that the Common Council authorizes the Mayor to sign and submit a grant application to Kaboom for the Play Everywhere Challenge, supported by the Ralph C. Wilson, Jr. Foundation, for the Whiteny Avenue Trailhead Parklet Project in an amount not to exceed \$80,000.

RESOLVED, that this Resolution is effective immediately.

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

RESOLUTION #43-18

PL #43-18

By Alderman Crawford, Seconded by Alderman Dougherty

TO INCREASE VARIOUS FEES AS REFLECTED IN THE 2018-2019 BUDGET

RESOLVED, that City of Olean Fees are hereby amended as follows:

<u>Department and Fee Type</u>	<u>Current Fee</u>	<u>New Fee</u>
CLERK		
Dog Licenses	\$10 altered dogs; \$20 non altered dogs	\$15 altered dogs; \$25 non altered dogs
BUILDINGS, FIRE & EMS DEPT		
Building Permit Fee	\$35	\$50 plus sliding scale
Demolition Permit Fee	\$35	\$50 plus sliding scale
Roofing Permit	\$0	\$25
Area Variance Fee	\$20	\$150
Sign Variance Fee	\$25	\$150
Residential Safety Insepction	\$0	\$60
ASSESSOR		
Filing Fee	\$0	\$10
RECREATION CENTER		
Hourly Ice Rental Fee	\$115 tournament \$130 non-prime \$140 prime \$150 games	\$125 tournament \$140 non-prime \$150 prime \$160 games
AIRPORT		
Old T-Hangar Rents	\$100 / month	\$125 / month
New T-Hangar Rents	\$175 / month	\$200 / month
Main T-Hangar Rents	\$200-\$700 / month	\$225-\$725 / month
DPW		
Permit Fees – subway	\$30	\$50
Permit Fees- street	\$50	\$75
Curb Cutting	\$10	\$15
Outlet sewer-tap (residential)	\$150	\$200
Outlet sewer-tap (commercial)	\$425	\$500
Water tap ¾ - 1 inch	\$300	\$400
Water tap 1 ¼ - 2 inch	\$400	\$500
Water Tap 4”	\$600	\$700
Water Tap 8”	\$1,050	\$1,150

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Water Tap 12”	\$1,500	\$1,600
White Good Pickup	\$15 + \$10 add'l	\$25 + \$15 add'l
Oversize load – blanket	\$0	\$1,000
Oversize load – individual	\$0	\$150

RESOLVED, that these fee changes will take effect June 1, 2018.

ROLL CALL, AYES ALL. MOTION CARRIED.

RESOLUTION #47-18

PL #48-18

By Alderman Smith, Seconded by Alderman Witte

TO AUTHORIZE THE SALE OF 105 SOUTH THIRTEENTH 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

WHEREAS, Steven L. Shawley, a city business owner and owner of (“Owner”) at 1305 West State Street, has submitted to the Common Council a purchase offer for City owned property (“City Property”) located 105 South Thirteenth Street, and

WHEREAS, the City Property is located adjacent to the property of the Owner and said purchase offer requires the resident to demolish and grade the City Property 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 105 South Thirteenth Street (s/b/l: 94.064-10-62) 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 the Steven L. Shawley, with the condition that the property be demolished and graded within 10 months of conveyance 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 105 South Thirteenth Street (s/b/l: 94.064-10-62) to Steven L. Shawley 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 demolish and grade the property on or before March 24, 2019 without a duly resolved extension of time authorized by the City, shall cause the property to revert back to the Grantor.
2. No 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.

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ROLL CALL, AYES ALL. MOTION CARRIED.

RESOLUTION #48-18

PL #49-18

By Alderman Crawford, Seconded by Alderman Dougherty

RESOLUTION AUTHORIZING THE TRANSFER OF FUNDS FROM GENERAL FUND, WATER FUND AND SEWER FUND CONTINGENCY TO CAPITAL FUND #102

WHEREAS, the Common Council has determined the best use for a portion of the remaining 2017-2018 Contingency is for the purchase of a Department of Public Works truck and backhoe;

RESOLVED, that the following transfers be authorized:

<i>Account #</i>	<i>Description – General</i>	<i>Transferred From</i>	<i>Transferred to</i>
A-01-5-1990.590	General Fund Contingency	\$97,000	
F-06-5-1990.590	Water Fund Contingency	\$30,000	
G-07-5-1990.590	Sewer Fund Contingency	\$30,000	
Capital Fund #102	Vehicle Replacement Fund		\$157,000

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

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

A motion to amend Resolution #48-18 to be numbered Resolution #50-18 was made by Alderman Crawford, seconded by Alderman Witte. Voice vote, ayes all. Motion carried.

RESOLUTION #50-18

PL #NONE

By Alderman Witte, Seconded by Alderman George

TO DESIGNATE ROBERT RING, THE DIRECTOR OF PUBLIC WORKS, AS THE RESPONSIBLE LOCAL OFFICIAL FOR THE DEPARTMENT OF TRANSPORTATION’S EQUITABLE BUSINESS OPPORTUNITIES WEB-BASED CIVIL RIGHTS REPORTING SYSTEM

WHEREAS, the New York State Department of Transportation (NYSDOT) has implemented a web-based civil rights reporting system called EBO (Equitable Business Opportunities) to streamline and reduce the efforts required by the construction and engineering industries to satisfy the civil rights reporting requirements;

RESOLVED, that the Common Council of the City of Olean hereby designates Robert Ring, the Director of Public Works, as the Responsible Local Official for the Department of Transportation’s Equitable Business Opportunities web-based civil rights reporting system.

RESOLVED, that this Resolution is effective immediately.

ROLL CALL, AYES ALL. MOTION CARRIED.

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RESOLUTION #49-18

PL #NONE

By Alderman Witte, Seconded by Alderman Gonzalez

**AUTHORIZING THE TRANSFER OF FUNDS FROM VARIOUS LINE ITEMS OF THE
2017-2018 BUDGET TO LINE ITEM 1930.513**

RESOLVED, that the following transfers be authorized:

<i>Account #</i>	<i>Description- General</i>	<i>Amount Transferred</i>	<i>Transferred to</i>
A-01-5-9955.550	General Fund	\$431,986	A-01-5-1930.513
F-06-5-9955.550	Water Fund	\$90,676	A-01-5-1930.513
G-07-5-9955.550	Sewer Fund	\$64,187	A-01-5-1930.513
Total Transfer to A-01-51930.513, Judgments and Claims		\$586,849	

BE IT FURTHER RESOLVED, that this resolution shall be effective immediately.
ROLL CALL, AYES ALL. MOTION CARRIED.

ADJOURNMENT

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

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