

# **Journal of Proceedings**

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

May 22, 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, May 22, 2018 at 7:15 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; Ring, Director of Public Works; Bob Bell, Fire Chief; Jeff Rowley, Police Chief; Ed Jennings, Code Enforcement Supervisor, and Michiko McElfresh, Mayor's 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 May 58, 2018 meeting was made by Alderman Crawford, seconded by Alderman Dougherty. Voice vote, ayes all. Motion carried.*

**COMMITTEE REPORTS & UNFINISHED COUNCIL BUSINESS**

*Report from Committee of the Whole on PL #44-18, 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. Committee recommends approval. Referred to City Attorney for Resolution.*

*Report from City Operations Committee on PL #47-18, to amend the City of Olean's Local Highway Inventory as per recommendations submitted by the New York State Department of Transportation. Committee recommends approval. Referred to City Attorney for Resolution.*

*Report from Committee of the Whole on PL #55-18, to authorize the Mayor to enter into a contract between the County of Cattaraugus and the City of Olean for mosquito spraying services for the term May 1, 2018 through December 31, 2018. Committee recommends approval. Referred to City Attorney for Resolution.*

**COMMUNICATIONS FROM THE MAYOR**

*Mayor Aiello extended condolences on behalf of the City to the family of Gary "Casey" Jones, former Alderman, Zoning Board Member, and Bingo Inspector, who recently passed away.*

**MISCELLANEOUS COMMUNICATIONS**

*None*

**CITY OFFICIAL REPORTS**

*Monthly Report of the City Auditor – month ended April 2018*

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## **PROPOSED LEGISLATION AND REFERRALS**

*PL #52-18: (Aiello) To authorize the transfer of \$24,936.12 from Community Development line item 8660.453 to Capital Fund #169 for the Olean Creek Bicycle and Pedestrian Crossing Project. Referred to Regular Meeting Tuesday, May 22, 2018 for Resolution by Council President.*

*PL #53-18: (Aiello) To approve the following Olean Homeownership Assistance Program (OHAP) application: OHAP #08-17, in an amount not to exceed \$7,900. Referred to Regular Meeting Tuesday, May 22, 2018 for Resolution by Council President.*

*PL #54-18: (Gonzalez) To authorize the installation of a "Yield" sign on East Ohio Street at its intersection with East Riverside Drive. Referred to Regular Meeting Tuesday, May 22, 2018 for Resolution by Council President.*

*PL #55-18: (Aiello) To authorize the Mayor to enter into a contract between Cattaraugus County and the City of Olean for mosquito spraying services for the term May 1, 2108 through December 31, 2018. Referred to Committee of the Whole Tuesday, May 22, 2018 by Council President.*

*PL #56-18: (Aiello) To authorize the transfer of funds from General Fund Contingency to various line items. Referred to Regular Meeting Tuesday, May 22, 2018 for Resolution by Council President.*

*PL #57-18: (Aiello) To authorize the Mayor to sign and submit an application for grant funding to New York State Department of Environmental Conservation through the Urban and Community Forestry Grants Program in connection with the City of Olean Tree Inventory Project. Referred to Regular Meeting Tuesday, May 22, 2018 for Resolution by Council President.*

*PL #58-18: (Aiello) To authorize the Mayor to execute the Coordinating Partner Public Transportation System Funding Agreement for the OATS for the fiscal year June 1, 2018 through May 31, 2018. Referred to Committee of the Whole Tuesday, June 12, 2018 by Council President.*

*PL #59-18: (Aiello) To authorize the Mayor to execute a Third Party Operator Agreement for the Olean Area Transit System (OATS) extending the existing contract between the City and First Transit, Inc. Referred to Committee of the Whole Tuesday, June 12, 2018 by Council President.*

## **PUBLIC COMMENT/INPUT**

*None*

## **FINANCE / BILLS**

*By Alderman Dougherty, Seconded by Alderman George*

*The Auditor has processed bills and claims against the City of Olean as per list submitted to each Alderman and recommends payment thereof.*

**WHEREAS**, *the Auditor has presented to the Common Council, bills and claims against the City of Olean totaling \$1,264,900.95 for the budget and recommends*

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payment thereof.

***NOW, THEREFORE, BE IT RESOLVED***, that the same be and are hereby audited and allowed, and the Auditor is hereby authorized and directed to draw warrants for the payment thereof at the amounts set opposite each respective claim.

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

## RESOLUTIONS

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

A motion to amend the agenda to include Resolutions #63, 64, 65 and 66 was made by Alderman Crawford, seconded by Alderman Andreano. Voice vote, ayes all. Motion carried.

### **RESOLUTION #46-18**

#### **PL #47-18**

By Alderman Smith, Seconded by Alderman George

#### **TO AMEND THE CITY OF OLEAN'S LOCAL HIGHWAY INVENTORY AS PER RECOMMENDATIONS SUBMITTED BY THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION**

**WHEREAS**, the New York State Department of Transportation has made various recommendations of changes to the City of Olean's Local Highway Inventory,

**RESOLVED**, that the City of Olean hereby amends the 2018 City Local Highway Mileage Inventory of City Streets as follows:

1. Amend Franchot Boulevard distance to .15 to reflect that a portion of the roadway is a single purpose road within a public property that only provides access to facilities within the property;
2. Amend Gulf Street distance to reflect an extension of .29 to .4;
3. Amend to reinstate Higgins Avenue with a distance of .07 miles;
4. Amend Sunrise Drive distance to reflect an extension of .12 to .2; and
5. Amend West Sullivan Street from North Seventeenth Street to .05.

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

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

### **RESOLUTION #51-18 (REVISED)**

#### **PL #50-18**

By Alderman Gonzalez, Seconded by Alderman Witte

#### **RESOLUTION AUTHORIZING THE REMOVAL OF FOURTEEN (14) EXISTING LIGHTING FIXTURES BY NATIONAL GRID LOCATED ALONG CAROLINA STREET AND BRADLEY DRIVE**

**RESOLVED**, that the Common Council, on behalf of the City of Olean, authorizes the removal of fourteen (14) existing 175w Mercury Vapor Traditional lighting fixtures utilizing City of Olean-owned poles located along Carolina Street (Poles #207, #218, #228, #235, #240) and Bradley Drive (Poles #100, #103, #104, #108, #109, #116, #119, #122, #129); and

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**BE IT FURTHER RESOLVED**, that the Common Council, on behalf of the City of Olean, authorizes National Grid to add fourteen (14) City-owned “energy-only” streetlights to the City’s existing Service Classification No. 3 streetlight bill, Account No. 08938-79108. The City-owned “energy-only” streetlights utilizing City-owned poles are located along Carolina Street (Poles #207, #218, #228, #235, #240) and Bradley Drive (Poles #100, #103, #104, #108, #109, #116, #119, #122, #129); now

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

## **RESOLUTION #55-18**

### **PL #52-18**

By Alderman Witte, Seconded by Alderman Crawford

**TO AUTHORIZE THE TRANSFER OF \$24,936.12 FROM COMMUNITY DEVELOPMENT LINE ITEM 8660.453 TO CAPITAL FUND #169 FOR THE OLEAN CREEK BICYCLE AND PEDESTRIAN CROSSING PROJECT**

**BE IT RESOLVED**, that the Common Council hereby authorizes the transfer of \$24,936.12 from Community Development Consultants (A-01-5-8660.453) to Capital Fund #169 for the Olean Creek Bicycle and Pedestrian Crossing Project.

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

A motion to amend Resolution #56-18 to amend the amount to \$8,800 was made by Alderman Crawford, seconded by Alderman Andreano. Voice vote, ayes all. Motion carried.

## **RESOLUTION #56-18**

### **PL #53-18**

By Alderman Witte, Seconded by Andreano

**AUTHORIZING THE RELEASE OF OLEAN HOMEOWNERSHIP ASSISTANCE PROGRAM GRANT FUNDS TO A QUALIFIED HOMEBUYER**

**WHEREAS**, the City of Olean has been awarded grant funds from the New York State Housing Trust Fund Corporation (HTFC) Office of Community Renewal (OCR); and

**WHEREAS**, these funds have been designated to assist low- and moderate-income homebuyers with funding assistance in relation to the purchase of a home in the City of Olean; and

**WHEREAS**, the City of Olean has received an application that has been determined eligible to participate in this program; and

**WHEREAS**, Rural Revitalization Corporation, with whom the City of Olean has contracted with for Professional Housing Counseling Services related to marketing, technical services, and program administration in connection with the Olean Homeownership Assistance Program, has reviewed the application for assistance and has approved the grant to the following applicant:

OHAP #08-17, not to exceed \$8,800;

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***NOW, THEREFORE, BE IT RESOLVED,** that the City of Olean approves the above-identified grant to a homebuyer which will be leveraged with loans from private and public lending institutions to assist this application with funding related to the purchase of a home in the City of Olean.*

***BE IT FURTHER RESOLVED,** that the City Auditor is authorized to release the funds to the qualified individual(s) according to the rules and regulations of the funding source.*

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

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

## **RESOLUTION #57-18**

### **PL #55-18**

*By Alderman Witte, Seconded by Alderman George*

***TO AUTHORIZE THE MAYOR TO ENTER INTO A CONTRACT BETWEEN THE COUNTY OF CATTARAUGUS AND THE CITY OF OLEAN FOR MOSQUITO SPRAYING SERVICES FOR THE TERM MAY 1, 2018 THROUGH DECEMBER 31, 2018***

***WHEREAS,** the County of Cattaraugus and the City of Olean have historically entered a contract to spray for mosquitoes; and*

***WHEREAS,** the contract is beneficial to the City because of the health risks that mosquitoes may cause;*

***BE IT RESOLVED,** that the Mayor is authorized to enter into and execute a contract between the County of Cattaraugus and the City of Olean for mosquito spraying services for the term May 1, 2018 through December 31, 2018.*

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

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

## **RESOLUTION #58-18**

### **PL #56-18**

*By Alderman Crawford, Seconded by Alderman Dougherty*

***RESOLUTION AUTHORIZING THE TRANSFER OF FUNDS FROM GENERAL FUND CONTINGENCY TO VARIOUS LINE ITEMS***

***WHEREAS,** the Common Council has determined the best use for remaining 2017-2018 Contingency is for the following:*

*Rehabilitation of the War Veterans Park Pavilion;*

*To create a reserve fund for the Kaboom for the Play Project application; and*

*To update the online City of Olean Code of Ordinances;*

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

<i><b>Account #</b></i>	<i><b>Description – General</b></i>	<i><b>Transferred From</b></i>	<i><b>Transferred to</b></i>
<i>A-01-5-1990.590</i>	<i>General Fund Contingency</i>	<i>\$62,050</i>	
<i>A-01-5-7110.445</i>	<i>Repairs to Buildings &amp; Grounds</i>		<i>\$30,000</i>
<i>A-01-5-1010.441</i>	<i>Legislative Board Printing</i>		<i>\$7,000</i>

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Capital Fund      Playground Reserve      \$25,050  
#187

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

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

## **RESOLUTION #59-18**

### **PL #54-18**

By Alderman Gonzalez, Seconded by Alderman George

**TO AUTHORIZE THE INSTALLATION OF A “YIELD” SIGN ON EAST OHIO STREET AT ITS INTERSECTION WITH EAST RIVERSIDE DRIVE**

**RESOLVED**, that a permanent “Yield” sign shall be installed on East Ohio Street at its intersection with East Riverside Drive.

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

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

## **RESOLUTION #60-18**

### **PL #57-18**

By Alderman George, Seconded by Alderman Gonzalez

**TO AUTHORIZE THE MAYOR TO SIGN AND SUBMIT AN APPLICATION FOR GRANT FUNDING TO NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION THROUGH THE URBAN AND COMMUNITY FORESTRY GRANTS PROGRAM IN CONNECTION WITH THE CITY OF OLEAN TREE INVENTORY PROJECT**

**WHEREAS**, the New York State Department of Environmental Conservation (NYSDEC) has announced the availability of funding under the Environmental Protection Fund for tree inventory projects, and

**WHEREAS**, communities with a population size of less than 65,000 residents may apply for up to \$50,000 in grant funds under the Agency’s “Community Grants” program, and

**WHEREAS**, the City of Olean is desirous of applying for funding to develop a comprehensive, City-wide tree inventory detailing age, species, health and geographic distribution of our urban forest with the intent to prepare a tree planting and management plan that will enhance the overall quality of life for our residents,

**NOW, THEREFORE, BE IT RESOLVED** that the Common Council authorizes the Mayor to sign and submit said application to secure \$50,000 in funding from NYSDEC.

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

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

## **UTION #63-18**

### **PL #NONE**

By Alderman Witte, Seconded by Alderman Dougherty

**TO AUTHORIZE THE TRANSFER OF \$990 FROM CELEBRATIONS LINE ITEM 7550.467 TO CLERKS LINE ITEM 1410.462 FOR COSTS ASSOCIATED WITH NEW YORK MUNICIPAL CLERKS INSTITUTE TRAINING**

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***BE IT RESOLVED**, that the Common Council hereby authorizes the transfer of \$950 from Celebrations Programs (A-01-5-7550.467) to Clerk Training (A-01-5-1410.462) for costs associated with New York Municipal Clerks Institute Training for the City Clerk.*

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

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

## **RESOLUTION #64-18**

### **PL #NONE**

*By Alderman Crawford, Seconded by Alderman Dougherty*

#### ***TO AUTHORIZE THE SALE OF 1210 REED STREET AND 306 NORTH ELEVENTH 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**, Rural Revitalization Corporation (“Organization”) has submitted to the Common Council a purchase offer for City owned property (“City Property”) located at 1210 Reed Street and 306 North Eleventh Street; and*

***WHEREAS**, the Organization has shown a valid interest in the City Property and said purchase offer requires the Organization to demolish and grade the premises at 1210 Reed Street within 10 months of conveyance by the City, and rehabilitate and obtain a Certificate of Occupancy from the City of Olean Code Enforcement Department for 306 North Eleventh Street within 10 months of conveyance to the Organization by the City;*

***NOW, THEREFORE, BE IT RESOLVED**, that the Common Council declares that the City Properties identified as 1210 Reed Street (s/b/l: 94.056-2-45) and 306 North Eleventh Street (s/b/l 94.056-3-27) as properties that are 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 Rural Revitalization Corporation, with the conditions that 1210 Reed Street be demolished and graded within 10 months of conveyance and 306 North Eleventh Street be rehabilitated and receive a Certificate of Occupancy 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 properties identified as 1210 Reed Street (s/b/l 94.056-2-45) and 306 North Eleventh Street (s/b/l 94.056-3-27) to Rural Revitalization Corporation for \$1.00 and the costs of the conveyances; and*

***RESOLVED**, that the deed conveying title to the 1210 Reed Street 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 April 21, 2019 without a duly resolved extension of time authorized by the City, shall cause the property to revert back to the Grantor.*

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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 conveying title to the 306 North Eleventh Street 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 April 21, 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 deeds 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 EXCEPT ALDERMAN WITTE, WHO VOTED NAY. MOTION CARRIED.**

## **RESOLUTION #65-18**

### **PL #NONE**

By Alderman Andreano, Seconded by Alderman George

**TO AUTHORIZE THE TRANSFER OF \$5,803.05 FROM SALT LINE ITEM 5142.412 TO BUILDING REPAIRS LINE ITEM 1620.444 FOR COSTS ASSOCIATED WITH MUNICIPAL BUILDING REPAIRS**

**BE IT RESOLVED**, that the Common Council hereby authorizes the transfer of \$5,803.05 from Snow Removal - Salt (A-01-5-5142.412) to Building Repairs (A-01-5-1620.444) for costs associated with Municipal Building Repairs.

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

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

## **RESOLUTION #66-18**

### **PL #NONE**

By Alderman Witte, Seconded by Alderman Crawford

**TO AUTHORIZE THE TRANSFER OF \$9,866.00 FROM CAPITAL PROJECTS #185 – TREE REMOVAL TO TREE PROGRAMS LINE ITEM 5111.301 IN THE AMOUNT OF \$5,252.00 AND TO EMERGENCY CLEANUP LINE ITEM 5111.302 IN THE AMOUNT OF \$4,614.00 TO COVER LINE ITEMS THAT ARE OVER BUDGET AS OF MAY 22, 2018**

**BE IT RESOLVED**, that the Common Council hereby authorizes the transfer of \$9,866.00 from Capital Projects #185 – Tree Removal to Tree Programs (A-01-5-5111.301) in the amount of \$5,252.00 and to Emergency Cleanup (A01-5-5111.302) in the amount of \$4,614.00 to cover line items that are over budget as of May 22, 2018.

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

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

**ADJOURNMENT**



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*Motion to adjourn was made by Alderman Witte, seconded by Alderman Crawford.  
Voice vote, ayes all. Motion carried. Meeting adjourned at approximately 7:45 p.m.*

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

\_\_\_\_\_  
*Mayor William J. Aiello*

\_\_\_\_\_  
*John Crawford, Council President*

*I hereby approve the foregoing minutes*

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

**STATE OF NEW YORK  
COUNTY OF CATTARAUGUS  
CITY OF OLEAN**

*I, Alexander Utecht, City Clerk of the City of Olean, do hereby certify that the  
foregoing minutes of the Common Council of the City of Olean is the true and  
correct copy of the whole thereof.*

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