

# Journal of Proceedings

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

July 10, 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, July 10, 2018 at 6:45 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; 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 June 26, 2018 meeting was made by Alderman Crawford, seconded by Alderman Witte. Voice vote, ayes all. Motion carried.*

**COMMITTEE REPORTS & UNFINISHED COUNCIL BUSINESS**

*Report from Committee of the Whole on PL #66-18, to adopt the Title VI Plan for the City of Olean. Committee recommends approval. Referred to City Attorney for Resolution.*

*Report from Committee of the Whole on PL #67-18, to adopt the Title VI Employee Training Plan for the City of Olean. Committee recommends approval. Referred to City Attorney for Resolution.*

*Report from Committee of the Whole on PL #68-18, to designate Keri Kerper as the City of Olean's Title VI Coordinator. Committee recommends approval. Referred to City Attorney for Resolution.*

*Report from Committee of the Whole on PL #70-18, to authorize the Mayor to sign an agreement between the City of Olean and the State of New York in connection with Accelerated Transit Capital funds for the Olean Area Transit System. Committee recommends approval. Referred to City Attorney for Resolution.*

*Report from Committee of the Whole on PL #71-18, to accept the revised deed to Jack Murphy Boulevard from Olean Gateway, LLC. Committee recommends approval. Referred to City Attorney for Resolution.*

*Report from Committee of the Whole on PL #72-18, to authorize the transfer of \$140,000 from Capital Fund #178 to Debt Service for use toward future debt payments, effective retroactively to May 31, 2018. Committee recommends approval. Referred to City Attorney for Resolution.*

*Report from Committee of the Whole on PL #73-18, to authorize the transfer of \$139,850 from Capital Fund #123 to Sewer Debt Service for use towards future debt payments, effective retroactively to May 31, 2018. Committee recommends approval. Referred to City Attorney for Resolution.*

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## **COMMUNICATIONS FROM THE MAYOR**

*Special Proclamation to recognize Firefighter Daniel Gonska for participating in the New York City Memorial Stair Climb*

## **MISCELLANEOUS COMMUNICATIONS**

*None*

## **CITY OFFICIAL REPORTS**

*None*

## **PROPOSED LEGISLATION AND REFERRALS**

*PL #70-18: (Aiello) To authorize the Mayor to sign an agreement between the City of Olean and the State of New York in connection with the Accelerated Transit Capital funds for the Olean Area Transit System. Referred to Committee of the Whole Tuesday, July 10, 2018 by Council President.*

*PL #71-18: (Aiello) To accept the revised deed to Jack Murphy Boulevard from Olean Gateway, LLC. Referred to Committee of the Whole Tuesday, July 10, 2018 by Council President.*

*PL #72-18: (Aiello) To authorize the transfer of \$140,000 from Capital Fund #178 to Debt Service for use towards future debt payments, effective retroactively to May 31, 2018. Referred to Committee of the Whole Tuesday, July 10, 2018 by Council President.*

*PL #73-18: (Aiello) To authorize the transfer of \$139,850 from Capital Fund #123 to Sewer Debt Service for use towards future debt payments, effective retroactively to May 31, 2018. Referred to Committee of the Whole Tuesday, July 10, 2018 by Council President.*

## **PUBLIC COMMENT/INPUT**

*Alderman Crawford stated that he recently returned from a trip overseas, where there are roundabouts in a lot of different countries. They work flawlessly. We are getting there in Olean.*

*Kevin Bartholomew of 737 Bishop Street stated that he feels that the bump outs added on King Street by Seneca Avenue are creating a dangerous situation and don't feel safe.*

*Alderman Gonzalez responded that he disagrees, and feels that the bump outs will slow traffic in the long run. Alderman Crawford agreed. Mayor Aiello added that the bump outs are not in the driving lanes, they are in the parking lanes.*

*Scott Paoletto of 318 North 11<sup>th</sup> Street stated that the City should consider charging those busted for selling meth with attempted murder as well, given the danger that cooking meth causes. He added that in Tennessee, when a meth lab is busted, the house remains condemned until it is cleaned up.*

*Bob McNamara, a business owner on West State Street, stated that items sold at the farmers' market are sold by "hucksters" and most, if not all, do not grow their own produce. He grows his own plants and was not allowed into the local farmers' market because his business is "too big, and might upset the clique". He feels that the City should reconsider the permanent farmers' market in Lincoln Park.*

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*Sam Metler of 118 South 4<sup>th</sup> Street thanked the Council and Chief Rowley for the recent speed enforcement on his street. He feels that it has been helping the issues on the street immensely.*

## **FINANCE / BILLS**

*None*

## **RESOLUTIONS**

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

*A motion to amend the agenda to include Resolution #68-18 was made by Alderman Crawford, seconded by Alderman Andreano. Voice vote, ayes all. Motion carried.*

*Alderman Crawford stated that this resolution was previously discussed in committee. The City is committed to doing the Washington Street water line, and the DPW Director has found a grant opportunity to leverage city funding against in order to revitalize the entire streetscape. Mr. Ring added that the application requires the City to bond for the grant amount to show that we are committed to funding the project.*

### **RESOLUTION #68-18**

#### **PL #60-18**

*By Alderman Witte, Seconded by Alderman Gonzalez*

### **RESOLUTION AUTHORIZING THE CITY AUDITOR TO BOND FOR THE WASHINGTON STREET PROJECT**

**WHEREAS**, the City of Olean is applying to the New York State Office of Community renewal for a project grant under the Community Development Block Grant Planning Program for the Washington Street Project; and

**WHEREAS**, as a requirement of the program, the Common Council must approve a bond resolution for the financing of said project for the entire project cost, with the understanding that the money does not need to be borrowed in the event that the grant is not awarded to the City;

**NOW, THEREFORE, BE IT RESOLVED**, that the Common Council hereby authorizes and directs the City Auditor to bond for an amount up to \$950,000 for the Washington Street Project.

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

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

### **RESOLUTION #69-18**

#### **PL #61-18**

*By Alderman Witte, Seconded by Alderman Gonzalez*

### **TO APPROVE AND ENDORSE A GRANT APPLICATION TO THE NEW YORK STATE OFFICE OF COMMUNITY RENEWAL COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM**

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*WHEREAS, the City of Olean is applying to the New York State Office of Community Renewal for a project grant under the Community Development Block Grant Community Planning Program to conduct a water system evaluation for the City of Olean Water System, a site located within the territorial jurisdiction of this City of Olean Common Council; and*

*WHEREAS, as a requirement of these programs, said City of Olean must obtain the “approval/endorsement of the governing body of the municipality in which the project will be located”,*

*NOW, THEREFORE, BE IT RESOLVED, that the City of Olean Common Council hereby does approve and endorse the application of the City of Olean for a grant under the Community Development Block Grant Program for a project known as City of Olean Water System Evaluation Study and located within this community. This grant application request is \$50,000 for the contractual cost of the Water Main Replacement. The City match is \$2,500.00. The total project cost is \$52,500.*

*RESOLVED, that this Resolution is effective immediately.*

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

*Alderman Crawford stated that this was previously discussed in Committee, and in response to a question, Ms. Taylor explained that this resolution was published in the Olean Times Herald. Alderman Crawford stated that he hasn't heard of an opposition to the change, and has in fact heard from several people in favor of it.*

*Alderman Smith stated that he has not been very comfortable with this change from the get go, and he is concerned with unintended consequences. For this reason, he will respectfully be voting “no”.*

## **RESOLUTION #70-18**

### **PL #63-18**

*By Alderman Dougherty, Seconded by Alderman Witte*

#### **TO AUTHORIZE THE CHANGE OF DIRECTION OF THE ONE WAY TRAFFIC ON THE 100 BLOCK OF NORTH SECOND STREET FROM SOUTHBOUND TO NORTHBOUND**

*RESOLVED, that the Common Council of the City of Olean hereby authorizes and directs the direction of the one way traffic on the 100 block of North Second Street to be changed from southbound to northbound.*

*RESOLVED, that the Common Council authorizes the removal and installation of signage as required by this change.*

*RESOLVED, that authorization be effective immediately, and direction change and associated enforcement be effective immediately upon said signage changes by the City of Olean Department of Public Works.*

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

## **RESOLUTION #71-18      REVISED**

### **PL #64-18**

*By Alderman Gonzalez, Seconded by Alderman Dougherty*

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**TO AUTHORIZE THE TRANSFER OF \$95,000 FROM SEWER FUND TO LINE ITEM G-07-5-8120.301**

*RESOLVED, that the following transfer be authorized:*

<i>Account #</i>	<i>Description- General</i>	<i>Amount Transferred</i>	<i>Transferred to</i>
G-07-3-909.000	Sewer Fund – Fund Balance	\$95,000	G-07-5-8120.301
	<b>Total Transfer to G-07-5-8120.301, Capital Outlay</b>	<b>\$95,000</b>	

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

**RESOLUTION #73-18**  
**PL #66-18**

By Alderman Crawford, Seconded by Alderman Dougherty

**TO ADOPT THE TITLE VI PLAN FOR THE CITY OF OLEAN**

**WHEREAS**, it is the policy of the City of Olean to prevent and to eliminate discrimination in all of its operations and services as well as all aspects of employment, so that no person is subjected to unlawful discrimination based on race, creed, color, gender, age, national origin, religion, disability, sexual orientation, marital status or Vietnam-era veteran status; and

**WHEREAS**, the City of Olean’s Civil Rights Policy reflects the firm commitment to achieving equal opportunity in all programs, services and activities for which the City has direct oversight responsibilities, and to achieve a workplace free from discrimination, where all employees have an equal opportunity to improve their employment status; and

**WHEREAS**, this policy fully incorporates throughout all of the City of Olean’s operations the requirements of applicable State and Federal laws and executive orders to prohibit discriminatory practices, procedures, and policies; and

**WHEREAS**, the Title VI/Nondiscrimination program shall have the full support of agency staff and managers, as well as urging all of the City’s partners, contractors and consultants, sub recipients, community based organizations, faith based organizations and advocacy groups to give the City of Olean their full support and cooperation;

**NOW, THEREFORE, BE IT RESOLVED**, that the Common Council of the City of Olean does hereby adopt the Title VI Plan for nondiscrimination for the City of Olean.

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

**RESOLUTION #74-18**  
**PL #67-18**

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By Alderman Witte, Seconded by Alderman George

## **TO ADOPT THE TITLE VI EMPLOYEE TRAINING PLAN FOR THE CITY OF OLEAN**

**WHEREAS**, Title VI of the 1964 Civil Rights Act provides that “No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance (Sec. 601)”; and

**WHEREAS**, the Civil Rights Restoration Act of 1987 amended Title VI to specify that entire institutions receiving Federal funds, whether schools, colleges, government entities, or private employers must comply with Federal civil rights laws, rather than just the particular programs or activities that receive federal funds; and

**WHEREAS**, a Title VI Employee Training Plan has been prepared to address the City of Olean’s responsibility to provide Title VI training to all of its current employees;

**NOW, THEREFORE, BE IT RESOLVED**, that the Common Council of the City of Olean does hereby adopt the Title VI Employee Training Plan for the City of Olean.

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

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

## **RESOLUTION #75-18**

### **PL #68-18**

By Alderman Andreano, Seconded by Alderman Crawford

## **TO DESIGNATE KERI KERPER AS THE CITY OF OLEAN’S TITLE VI COORDINATOR**

**WHEREAS**, the City of Olean has adopted the Title VI Plan, requiring the appointment of a Title VI Coordinator who will have easy access to the agency’s Chief Executive Officer; and

**WHEREAS**, the Title VI Coordinator is responsible for initiating, monitoring, and ensuring the City of Olean’s compliance with Title VI requirements as follows:

1. Process, review and investigate Title VI complaints received by the City in accordance with the City’s Complaint Procedures;
2. Collect statistical data of participants and beneficiaries of City transit programs;
3. Review special emphasis areas to determine the effectiveness of program area activities at all levels;
4. Conduct Title VI reviews when necessary of contractors and other recipients of Federal Transit Administration Funds;
5. Work with special emphasis program staff to ensure the fundamental principles of Environmental Justice;
6. Develop Title VI and Limited English Proficiency information for Public Dissemination;
7. Prepare an annual Title VI update report;
8. Schedule training for Title VI related statutes for City employees;
9. Identify and eliminate discrimination when found to exist;
10. Establish procedures for promptly resolving deficiency status and reducing to writing the remedial action agreed to be necessary; and

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11. *Maintain updated legislative and procedural information regarding the City's Title VI program;*

***NOW, THEREFORE, BE IT RESOLVED***, that the Common Council does hereby designate Keri Kerper as the City of Olean's Title VI Coordinator.

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

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

## **RESOLUTION #76-18**

### **PL #70-18**

By Alderman Witte, Seconded by Alderman Gonzalez

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

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

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

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

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

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

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

## **RESOLUTION #77-18**

### **PL #71-18**

By Alderman Gonzalez, Seconded by Alderman Smith

#### ***TO ACCEPT THE AMENDED DEED TO JACK MURPHY BOULEVARD FOR DEDICATION***

***WHEREAS***, on March 27, 2018 the Common Council of the City of Olean authorized the acceptance of a deed of dedication for the roadway to be known as Jack Murphy Boulevard from Olean Gateway, LLC; and

***Whereas***, Olean Gateway, LLC has submitted to the City of Olean a revised deed description for the conveyance of said property; and

***WHEREAS***, the Director of Public Works of the City has reviewed the amended deed description and recommends acceptance of said parcel for dedication for highway purposes, upon the completion of construction of said roadway in accordance with City specifications;

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*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 #78-18**

### **PL #72-18**

By Alderman Witte, Seconded by Alderman Dougherty

**TO AUTHORIZE THE TRANSFER OF \$140,000 FROM CAPITAL FUND #178 TO DEBT SERVICE FOR USE TOWARDS FUTURE DEBT PAYMENTS, EFFECTIVE RETROACTIVELY TO MAY 31, 2018**

*RESOLVED*, that the Common Council of the City of Olean hereby authorizes the transfer of \$140,000 from Account No. H01-1.200.000 Capital Fund #178 (North Third Street Project) to General Fund Debt Service (Account No. V01 1-200.000) for use towards future debt service payments.

*RESOLVED*, that this Resolution is effective retroactive to May 31, 2018 in accordance with procedural requirements to comply with the New York State Office of the State Comptroller.

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

## **RESOLUTION #79-18**

### **PL #73-18**

By Alderman Crawford, Seconded by Alderman George

**TO AUTHORIZE THE TRANSFER OF \$139,850 FROM CAPITAL FUND #123 TO SEWER DEBT SERVICE FOR USE TOWARDS FUTURE DEBT PAYMENTS, EFFECTIVE RETROACTIVELY TO MAY 31, 2018**

*RESOLVED*, that the Common Council of the City of Olean hereby authorizes the transfer of \$139,850 from Account No. H01-1.200.000 Capital Fund #123 (Improvements to Sewer System / DEC) to Sewer Fund Debt Service (Account No. G01 1-200.000) for use towards future debt service payments.

*RESOLVED*, that this Resolution is effective retroactive to May 31, 2018 in accordance with procedural requirements to comply with the New York State Office of the State Comptroller.

**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 7:20 p.m.

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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, 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*