

Journal of Proceedings

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

August 28, 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, August 28, 2018 at 6:50 p.m.

PRESENT: Aldermen Crawford, Wite, Andreano, Gonzalez, Dougherty, Smith, and George

ABSENT: None

OFFICIALS: *Lens Martial, City Clerk; Fred Saradin, City Auditor; Bob Ring, Director of Public Works; Keri Kerper, Community Development Program Coordinator; Ed Jennings, Code Enforcement Supervisor; 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 August 14, 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 #65-18, to amend the City of Olean Code of Ordinances Chapter 21, Article III, and Chapter 22, Article VI, Section 22-141, to amend requirements for the tree board and tree planting rules and regulations. Committee recommends approval. Referred to City Attorney for Resolution.

Report from Committee of the Whole on PL #93-18, to authorize the implementation and funding in the first instance 100% of the federal aid and State "Marchiselli" Program-aid eligible costs of the Olean Pedestrian Crossing Enhancements Project. Committee recommends approval. Referred to City Attorney for Resolution.

Report from Committee of the Whole on PL #94-18, to authorize the Mayor to submit an application for grant funding under the New York State Environmental Facilities Corporation's Water Infrastructure Improvement Act on behalf of the City of Olean. Committee recommends approval. Referred to City Attorney for Resolution.

COMMUNICATIONS FROM THE MAYOR

None

MISCELLANEOUS COMMUNICATIONS

None

CITY OFFICIAL REPORTS

Monthly Report of the City Auditor – month ended July 2018

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PROPOSED LEGISLATION AND REFERRALS

PL #90-18: (Crawford) To authorize the sale of the City-owned property located at 616 West Henley Street. Referred to Regular Meeting Tuesday, August 28, 2018 for Resolution by Council President.

PL #91-18: (Crawford) To authorize the sale of the City-owned property located at 313 South Seventh Street. Referred to Regular Meeting Tuesday, August 28, 2018 for Resolution by Council President.

PL #92-18: (Gonzalez) To authorize the sale of the City-owned property located at 128 West Green Street. Referred to Regular Meeting Tuesday, August 28, 2018 for Resolution by Council President.

PL #93-18: (Aiello) To authorize the implementation and funding in the first instance 100% of the federal-aid and State "Marchiselli" Program-aid costs of the Olean Pedestrian Crossing Enhancements Project. Referred to Committee of the Whole Tuesday, August 28, 2018 by Council President.

PL #94-18: (Crawford) To authorize the Mayor to submit an application for grant funding under the New York State Environmental Facilities Corporation's Water Infrastructure Improvement Act Program on behalf of the City of Olean. Referred to Committee of the Whole Tuesday, August 28, 2018.

PUBLIC COMMENT/INPUT

Dave Anastasia explained that he used to be an alderman 23 years ago for 140 years. He thanked the Council for the resolution to support the STA and agreed that there is not much else the Council can do. He also expressed disagreement with the proposed raises for the Mayor and Council, and suggested that the issue be put up for a public referendum to let taxpayers make a decision.

Rick Smith explained that he was also previously an alderman, and served as Council President/ He believes that the Aldermen's salaries should be raised, but the Mayor's should remain the same. He also thanked the Council for their support of the STA. He explained that the STA has given more than \$500,000 to Olean General Hospital and has donated to the City and other local organizations. He encouraged the public to contact Brandon McGee or Tim Finan at the hospital, 716-373-2600, to express their displeasure with the decision made.

George Hendryx explained that he has lived in Olean for more than 80 years. His sympathies are with those of the STA group. He was on the board for St. Francis Hospital when it was decided that the hospital would close for financial reasons. Olean General Hospital experienced 3 million in losses last year, and had to make decisions on how to offset their losses. Many hospitals are closing for financial reasons. The hospital's board of directors faces the decision of covering their expenses, or going out of business and losing many, many more jobs. He proposes that the STA be allowed to resubmit their bid to see if they can be more competitive.

Scott Paoletto of 318 North 11th Street explained that he feels that the City should have backup generators at their pump stations to prevent wastewater from flowing in to the river as it had recently. He also disagrees with the proposed raises and feel that those in office should care about the City, and not be in it for the money.

Mike Smith of 1 St. John's Drive in Allegany expressed that although he appreciates Mr. Hendryx's comments, he is 100% in disagreement. He presented the following

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letter to the Council:

“My name is Mike Smith. My grandfather, William O. Smith, was mayor of the City of Olean for 16 years and the strongest supporter of our community that I have ever known. As I write this letter I keep thinking to myself, what would he do if he were us? And without a question in my mind, I know that he would tell us to fight for what we believe in and what is best for our community. And I believe in Southern Tier Anesthesiologists because they make the hospital and our community as a whole better.

Ever since the decision was made by Olean General Hospital to select another anesthesia provider, I can't stop wondering if my wife and I made the right decision to move back to the town where we grew up and raise our own family here. Do we really live in an area that looks out for its members, especially those members that have shown unwavering support in the way that STA has?

As a member of the board of Olean Business Development Operations, myself and the other board members are tasked with helping Olean recruit, retain and expand business enterprises, engage youth and young families, and create a collaborative, supportive infrastructure for entrepreneurship.

The physicians and CRNAs that work for STA are exactly the type of people that we want and are trying so desperately to keep in our town. By going with another provider and forcing these people to look for jobs elsewhere, we will be losing them forever. We will also be losing the opportunity to recruit their children to move back to our area. Several of the physicians have children that are already physicians or are going to medical school to become one.

I understand that the hospital is reporting that it will save money by switching providers, however is this money guaranteed? Are there any variables that could cause these savings to deteriorate over the life of the contract? Could this new model end up costing other departments of the hospital more or could it lead to less revenue for the hospital as a whole due to the model not being as efficient as STA's? Will the surgeons have the same type of rapport with the new group or will there be issues and conflicts that could ultimately end up with the hospital losing more of its well-respected and sought-after physicians and surgeons?

I also know that the hospital's administration has said, “The process – and the eventual selection of another provider – was done in conjunction with the hospital's Department of Surgery and the President of the Medical Staff.” What does “in conjunction with” mean? Does it mean that the surgeons support the decision or recommended it, or were they just invited to sit in on the process? In addition to Dr. Lai coming out publicly and saying they objected to the decision, I know of at least three other surgeons that are not in support of the decision and I have a feeling that if asked behind closed doors (or maybe even in public) that the majority of them would be in support of keeping STA.

Many years ago, until very recently, STA's model of operation (heavy on doctors) was encouraged and used as a recruiting tool to attract surgeons by the hospital. I understand that trends shift and models need modernization so why couldn't OGH open a discussion with STA to come to an agreement on a model that worked best for both OGH and STA?

I don't know if the decision is final yet or if a contract has been signed, but why after 24 years of quality service to the hospital was STA not given the opportunity to rebid or negotiate their proposal? Out of respect and loyalty to a service provider that has done nothing but support the hospital for two and half decades, and provide an exemplary level of care to its patients and staff, why would you not want to try and negotiate with them rather than make your decision final based on a sealed bid process to the lowest bidder?

In Tim Finan's letter in the Olean Times Herald he states that the future for OGH is far from guaranteed. Mr. Finan, if my grandfather could advise you on what to do I know he would say go with your heart and fight for your community, it is the right thing to do. Reverse your decision to help guarantee the future of the hospital. In the long run reversing this decision will pay financial dividends to the hospital and it will help keep the fibers of our community strong.

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Kevin Bartholomew of 737 Bishop Street commended Mayor Aiello and Alderman Witte for being against the proposed raises. He does agree that a raise is deserved after 24 years, but he disagrees with the amount. He also questions where the funding will come from for the raises. Constituents are not happy that taxes are raised, water and sewer rates are raised, and now the Council wants a raise. HE doesn't think that people will object to a minor increase, but not what is proposed.

Megan Russell of 3081 West Five Mile Road, Allegany expressed that she is the wife of Dr. Spencer Russell of the STA. She thanked everyone who has reached out to support the group. The STA attracted them to the area, and she loves Olean, as it is a great place to raise a family. The group was never given the chance to renegotiate. She doesn't doubt that her husband can find another job, but she does not want to leave Olean, and she is concerned for his colleagues.

Theresa Perkis, RN of Front Avenue in Salamanca, explained that for the last 22 years, she has worked hand in hand with STA at OGH. STA has been committed to Olean General, and they have stayed here because they care. She has been through many administrations and seen decisions both good and bad, but not decision has come near as poor as this one is.

Laurie Hamed of 928 Kingston Drive explained that she is a nurse at Olean General Hospital. STA has given so much to the community and they are benevolent and vigilant with their care. It is very discerning that they are being chased out and not being given the opportunity to match the other bidder.

Nancy Crawford of 107 Bradley Drive explained that she supports the STA and hopes that they will be able to renegotiate the bid. She does not feel that the proposed raises are in the best interest of constituents. As a public servant, your salary should not be your first concern. She feels that the proposed raise amounts and ludicrous, and will trickle down to taxpayers. She asked the Council to remember that they are voted in by the constituents. She asked the Mayor to veto the raises, if they are passed.

Todd Previglian of 1109 River Street explained that a street light is much needed on River Street. He also feels that traffic has increased immensely on River Street, and the road is taking a beating. He feels that the roadway needs to be redone, including the infrastructure, to handle the increased traffic.

FINANCE / BILLS

By Alderman Dougherty, Seconded by Alderman Gonzalez

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 \$1,937,033.13 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.

RESOLUTIONS

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

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A motion to amend the agenda to include Resolutions #97-18 and #98-18 was made by Alderman Crawford, seconded by Alderman Witte. Voice vote, ayes all. Motion carried.

RESOLUTION #92-18

PL #90-18

By Alderman Crawford, Seconded by Alderman Dougherty

TO AUTHORIZE THE SALE OF 616 WEST HENLEY STREET TO A PRIVATE ENTITY

WHEREAS, on October 25, 2016 the Olean 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, Donald Scholla, Jr. and Janine Scholla, residents and owners (“Owner”) of 614 West Henley Street, have submitted to the Common Council a purchase offer for City owned property (“City Property”) located at 616 West Henley 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 property within 10 months of conveyance to the resident by the City,

NOW, THEREFORE, BE IT RESOLVED, that the Common Council declares that the City Property identified as 616 West Henley Street (s/b/l 94.064-13-31) 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 Donald Scholla, Jr. and Janine Scholla, with the condition that the property be demolished and graded within 10 months of conveyance to the resident by the City 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 616 West Henley Street (s/b/l 94.064-13-31) to Donald Scholla, Jr. and Janine Scholla for \$1.00 and the costs of the conveyance, and

BE IT FURTHER RESOLVED, that the City of Olean agrees to have the asbestos removed from the dwelling at such time that the Mayor of the City of Olean, Donald Scholla, Jr. and Janine Scholla execute all necessary documents to convey the property from the City of Olean to Mr. and Mrs. Scholla.

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 within ten months of conveyance to the resident by the City without a duly resolved extension of time authorized by the City, shall cause 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.

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RESOLVED, that this Resolution is effective immediately.

ROLL CALL, AYES ALL. MOTION CARRIED.

RESOLUTION #93-18

PL #91-18

By Alderman Crawford, Seconded by Alderman Gonzalez

TO AUTHORIZE THE SALE OF 313 SOUTH SEVENTH STREET TO A PRIVATE ENTITY

WHEREAS, on October 25, 2016 the Olean 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, Andrew Holly, resident and owner (“Owner”) of 314 South Seventh Street, has submitted to the Common Council a purchase offer for City owned property (“City Property”) located at 313 South Seventh Street; and

WHEREAS, the City Property is located directly across the street from the property of the Owner and said purchase offer requires resident to adhere to restrictions and covenants as set forth by the City of Olean Common Council;

NOW, THEREFORE, BE IT RESOLVED, that the Common Council declares that the City Property identified as 313 South Seventh Street (s/b/l 94.072-4-48) 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 Andrew Holly, with the condition that the property be used as a vacant green space with no permanent parking, to be maintained in accordance with the City of Olean Code of Ordinances by the Owner 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 313 South Seventh Street (s/b/l 94.072-4-48) to Andrew Holly for \$100.00 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. No structures of any type may be erected on the property without a duly authorized resolution of the Common Council.*
- 2. The property is to be used solely as a green space to include no gravel, pavement, or permanent parking.*
- 3. The Owner will be responsible to maintain the lot in accordance with requirements set forth within the City of Olean Code of Ordinances.*

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.

RESOLUTION #94-18

PL #92-18

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By Alderman Gonzalez, Seconded by Alderman Witte

TO AUTHORIZE THE SALE OF 128 WEST GREEN STREET TO A PRIVATE ENTITY

WHEREAS, on October 25, 2016 the Olean 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, Edward P. King, resident and owner (“Owner”) of 130 West Green Street, has submitted to the Common Council a purchase offer for City owned property (“City Property”) located at 128 West Green Street; and

WHEREAS, the City Property is located adjacent to the property of the Owner and said purchase offer requires resident to adhere to restrictions and covenants as set forth by the City of Olean Common Council;

NOW, THEREFORE, BE IT RESOLVED, that the Common Council declares that the City Property identified as 128 West Green Street (s/b/l 94.073-3-38) 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 Edward P. King, with the condition that the property be used as a vacant green space with no permanent parking, to be maintained in accordance with the City of Olean Code of Ordinances by the Owner 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 128 West Green Street (s/b/l 94.073-3-38) to Edward P. King for \$500.00 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:

- 4. No structures of any type may be erected on the property without a duly authorized resolution of the Common Council.*
- 5. The property is to be used solely as a green space to include no gravel, pavement, or permanent parking.*
- 6. The Owner will be responsible to maintain the lot in accordance with requirements set forth within the City of Olean Code of Ordinances.*

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.

RESOLUTION #96-18

PL #93-18

By Alderman Witte, Seconded by Alderman Dougherty

TO AUTHORIZE THE IMPLEMENTATION AND FUNDING IN THE FIRST INSTANCE 100% OF THE FEDERAL-AID AND STATE “MARCHISELLI” PROGRAM-AID ELIGIBLE COSTS OF THE OLEAN PEDESTRIAN CROSSING ENHANCEMENTS PROJECT

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WHEREAS, a Project for the Olean Pedestrian Crossing Enhancements, P.I.N. 5762.72 (the "Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 100% Federal funds and 0% non-federal funds;

NOW, THEREFORE, the Common Council of the City of Olean, duly convened does hereby

RESOLVE, that the Common Council hereby approves the above-subject project, and it is hereby further

RESOLVED, that the Common Council hereby authorizes the City of Olean to pay in the first instance 100% of the federal and non-federal share of the cost of design work for the Project of portions thereof; and it is further

RESOLVED, that the sum of \$69,000 will hereby be made available to cover the cost of participation in the above phase of the Project; and it is further

RESOLVED, that in the event the full federal and non-federal share costs of the project exceeds the amount appropriated above, the Common Council of the City of Olean shall convene as soon as possible to appropriate said excess amount immediately upon notification by the Director of Public Works thereof, and it is further

RESOLVED, that the Mayor of the City of Olean be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the City of Olean with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of project costs and all Project costs within appropriations therefore that are not so eligible, and it is further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project, and it is further

RESOLVED, this Resolution shall take effect immediately.

ROLL CALL, AYES ALL. MOTION CARRIED.

RESOLUTION #97-18

PL #NONE

By Alderman Crawford, Seconded by Alderman Witte

TO SUPPORT THE SOUTHERN TIER ANESTHESIOLOGISTS AND TO REQUEST THAT OLEAN GENERAL HOSPITAL AND KALEIDA HEALTH RECONSIDER THEIR TERMINATION OF CONTRACT WITH SOUTHERN TIER ANESTHESIOLOGISTS

WHEREAS, Olean General Hospital has declared that they will terminate their contract with Southern Tier Anesthesiologists effective December 31, 2018 after a 24 year relationship with the group; and

WHEREAS, the Common Council supports Southern Tier Anesthesiologists and seeks to support local businesses, which are necessary for the continued revitalization of the City;

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RESOLVED, that the Olean Common Council respectfully requests that Olean General Hospital and Kaleida Health reconsider the contract termination with Southern Tier Anesthesiologists and consider the impact of the termination of the local community.

RESOLVED, that this Resolution be effective immediately.

ROLL CALL, AYES ALL. MOTION CARRIED.

RESOLUTION #98-18

PL #94-18

By Alderman Crawford, Seconded by Alderman Gonzalez

TO AUTHORIZE THE MAYOR TO SUBMIT AN APPLICATION FOR GRANT FUNDING UNDER THE NEW YORK STATE ENVIRONMENTAL FACILITIES CORPORATION'S WATER INFRASTRUCTURE IMPROVEMENT ACT PROGRAM ON BEHALF OF THE CITY OF OLEAN

WHEREAS, the City of Olean proposes to undertake the Washington Street Water Main Replacement Project consisting of installation of a new water main, hydrants and other appurtenances along Washington Street between 4th and 15th Street (hereinafter collectively called the "Project"); and

WHEREAS, the City of Olean is seeking financial assistance through the 2018 New York State Environmental Facilities Corporation's Water Infrastructure Improvement Act Program; and

WHEREAS, the grant application requires that the applicant obtain the approval and endorsement of the governing body of the municipality in which the project will be located;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor of the City of Olean has been authorized to submit an application for grant funding under the New York State Environmental Facilities Corporation's Water Infrastructure Improvement Act Program on behalf of the City of Olean; and

RESOLVED, that the Mayor of the City of Olean is authorized to execute a Grant Agreement with the New York State Environmental Facilities Corporation and any and all other contracts, documents and instruments necessary to bring about the Project and to fulfill the City of Olean's obligations under the Water Infrastructure Improvement Act Grant Agreement; and

RESOLVED, that the Mayor of the City of Olean is authorized to execute expenditures for the City of Olean's Washington Street Water Main Replacement Project under the New York State Environmental Facilities Corporation's Water Infrastructure Improvement Act Program on behalf of the City of Olean.

RESOLVED, that this Resolution is effective immediately.

ROLL CALL, AYES ALL. MOTION CARRIED.

ADJOURNMENT

A motion to adjourn in memory of Senator John McCain was made by Alderman Crawford, seconded by Alderman Gonzalez. Voice vote, ayes all. Motion carried. Meeting adjourned at approximately 7:55 p.m.

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Lens Martial, City Clerk

Mayor William J. Aiello

John Crawford, Council President

I hereby approve the foregoing minutes

Dated: ____/____/____

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

I, 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