

Journal of Proceedings

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

November 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, November 27, 2018 at 6:40 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; 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 November 13, 2018 meeting was made by Alderman Gonzalez, seconded by Alderman George. voice vote, ayes all. Motion carried.

COMMITTEE REPORTS & UNFINISHED COUNCIL BUSINESS

Report from Committee of the Whole on PL #116-18, to authorize the acceptance of a grant offer from the New York State Department of Transportation (NYSDOT) for work at the Cattaraugus County – Olean Airport described as Conduct Pavement Management Study, PIN 5904.54. Committee recommends approval. Referred to City Attorney for Resolution.

Report from Committee of the Whole on PL #118-18, to award the contract for the demolition of 331 North Thirteenth Street, 213 West Greene Street, 305 North Seventh Street, and 122 East Henley Street to Empire Diagnostics, Inc. Committee recommends approval. Referred to City Attorney for Resolution.

COMMUNICATIONS FROM THE MAYOR

Condolences on behalf of the City of Olean to the family of Deacon Matthews of St. Mary's Basilica, who passed away suddenly

Acceptance of the resignation of Jen Tompkins effective December 10, 2018

Mayor Aiello explained that during a conference call with Krog, the proposed hotel for the Olean Gateway, LLC property will be a Hampton Inn and Suites with 90 rooms and a 40-50 person meeting space. The company hopes to have the project completed by St. Bonaventure's graduation in 2020, and also hope to split the remaining parcel for additional development.

MISCELLANEOUS COMMUNICATIONS

None

CITY OFFICIAL REPORTS

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None

PROPOSED LEGISLATION AND REFERRALS

PL #113-18: (Crawford) To authorize the rescheduling of the December 25, 2018 Regular Meeting of the Olean Common Council to December 18, 2018. Referred to Regular Meeting Tuesday, November 27, 2018 for Resolution by Council President.

PL #114-18: (Aiello) To authorize free parking on West State Street and North Union Street, as well as in all City of Olean parking lots, November 23, 2018 through January 1, 2019. Referred to Regular Meeting Tuesday, November 27, 2018 for Resolution by Council President.

PL #115-18: (Aiello) To authorize the transfer of \$10,000 from General Fund Contingency to Tree Programs. Referred to Regular Meeting Tuesday, November 27, 2018 for Resolution by Council President.

PL #116-18: (Aiello) To authorize the acceptance of a grant offer from the New York State Department of Transportation (NYSDOT) for work at the Cattaraugus County – Olean Airport described as Conduct Pavement Management Study, PIN 5904.54. Referred to Committee of the Whole Tuesday, November 27, 2018 by Council President.

PL #117-18: (Aiello) To designate Savarino Companies, LLC as a “Qualified and Eligible Sponsor”, to approve the Development Agreement and qualifying the disposition of the 107 North Union Street property. Referred to Committee of the Whole Tuesday, December 11, 2018 by Council President.

PL #118-18: (Aiello) To award the contract for the demolition of 311 North Thirteenth Street, 213 West Greene Street, 305 North Seventh Street, and 122 East Henley Street to Empire Building Diagnostics, Inc. Referred to Committee of the Whole Tuesday, November 27, 2018 by Council President.

PUBLIC COMMENT/INPUT

Alderman Dougherty explained that he was shocked to hear the news of Deacon Matthews, and expressed condolences on behalf of his family. He also congratulated the City on the news of the new business.

Alderman Crawford mentioned that he has received complaints regarding a tree at 1202 West Sullivan Street, and after inspection by the Department of Public Works and the City Forester, it has been found that there are no issues and the tree is not a concern at this time.

Rick McFall of 330 South Barry Street explained that the house next to his is in poor shape and needs to be demolished. He expressed concern that his house will not sell with the run down, abandoned property next to it, and he asked City officials to do something with it. He added that he would consider purchasing the house from the City, if they were to acquire it, and pay the cost of the demolition himself. Alderman Crawford responded that he will follow up with the Mayor and City Attorney on this. He explained that he believes that there is an issue with the title and that the City does not have ownership at this time.

FINANCE / BILLS

By Alderman Andreano, Seconded by Alderman Dougherty

The Auditor has processed bills and claims against the City of Olean as per list

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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 \$1,479,019.29 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 EXCEPT ALDERMAN SMITH, WHO ABSTAINED.
MOTION CARRIED.**

RESOLUTIONS

RESOLUTION #115-18

PL #113-18

By Alderman Crawford, Seconded by Alderman Andreano

**TO RESCHEDULE THE DECEMBER 25, 2018 REGULAR MEETING OF THE OLEAN
COMMON COUNCIL TO DECEMBER 18, 2018**

RESOLVED, that the December 25, 2018 Regular Meeting of the Olean Common Council is rescheduled to Tuesday, December 18, 2018 at 6:30 p.m. in the Common Council Chambers of the Olean Municipal Building.

ROLL CALL, AYES ALL. MOTION CARRIED.

RESOLUTION #116-18

PL #114-18

By Alderman Gonzalez, Seconded by Alderman Dougherty

**RESOLUTION AUTHORIZING FREE PARKING ON WEST STATE STREET AND NORTH
UNION STREET, AS WELL AS IN ALL CITY OF OLEAN PARKING LOTS, ON NOVEMBER 23,
2018 THROUGH JANUARY 1, 2019**

IT IS RESOLVED, that there shall be free parking on West State Street and North Union Street, as well as in all City of Olean parking lots, on November 23, 2018 through January 1, 2019.

ROLL CALL, AYES ALL. MOTION CARRIED.

RESOLUTION #117-18

PL #115-18

By Alderman Witte, Seconded by Alderman Smith

**RESOLUTION AUTHORIZING THE TRANSFER OF FUNDS FROM GENERAL FUND
CONTINGENCY TO TREE PROGRAMS**

RESOLVED, that the following transfer 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	\$10,000	
A-01-5-5111.301	Tree Programs		\$10,000

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

RESOLUTION 118-18

PL #116-18

By Alderman Witte, Seconded by Alderman George

TO AUTHORIZE THE ACCEPTANCE OF A GRANT OFFER FROM THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION (NYSDOT) FOR WORK AT THE CATTARAUGUS COUNTY – OLEAN AIRPORT DESCRIBED AS CONDUCT PAVEMENT MANAGEMENT STUDY, PIN 5904.54

WHEREAS, the NYSDOT has offered a matching grant to federal grant 3-36-0091-24-2017; and

WHEREAS, the Common Council of the City of Olean desires to advance the Project by committing funds for the local match, the funding shares being: Federal (FAA): \$53,820; State \$2,990; Local \$2,990; Total \$59,800; and

WHEREAS, if the Common Council of the City of Olean and/or the FAA notifies the NYSDOT that the City of Olean has requested and received an increase in Federal funding for the Project based on increased eligible costs, the State share noted above shall be increased proportionately up to a maximum increase of 15%;

NOW, THEREFORE, BE IT RESOLVED, that the Common Council hereby approves the above subject Project; and it is hereby further

RESOLVED, that the Mayor of the City of Olean be and is hereby authorized to execute all necessary Agreements with NYSDOT on behalf of the City in connection with the Project, 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.

ROLL CALL, AYES ALL. MOTION CARRIED.

RESOLUTION #120-18

PL #118-18

By Alderman Crawford, Seconded by Alderman Gonzalez

TO AWARD THE CONTRACT FOR THE DEMOLITION OF 331 NORTH THIRTEENTH STREET, 213 WEST GREENE STREET, 305 NORTH SEVENTH STREET, AND 122 EAST HENLEY STREET TO EMPIRE BUILDING DIAGNOSTICS, INC., THE LOWEST RESPONSIBLE BIDDER

WHEREAS, on September 25, 2018, the Common Council ordered the removal of the structures located at 331 North Thirteenth Street, 213 West Greene Street, 305 North Seventh Street, and 122 East Henley Street utilizing Community Development Block Grant Program Income through Resolutions #101-18, #102-18, #103-18, and #104-18 (respectively); and

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WHEREAS, the City of Olean is in possession of Program Income derived from the use of New York State administered grants through the Community Development Block Grant (CDBG) Program (the “Program Income”); and

WHEREAS, the Program Income is subject to certain rules and regulations promulgated by the United States Department of Housing and Urban Development (hereinafter “HUD”) and the New York State Office of Community Renewal (hereinafter “OCR”) regarding its use; and

WHEREAS, OCR has notified the City of Olean and other recipients of CDBG funds that it is requiring that all Program Income not spent on, or committed to, CDBG-eligible activities by March 31, 2019 be paid to the OCR by April 30, 2019; and

WHEREAS, any use of Program Income prior to March 31, 2019 requires the approval of the OCR; and

WHEREAS, the City of Olean wishes to use the Program Income of \$99,475 to pay the cost of demolition and site clearing in connection with the removal of structures located at 331 North Thirteenth Street, 213 West Greene Street, 305 North Seventh Street, and 122 East Henley Street, City of Olean, which demolition and clearing constitute a CDBG-eligible activity; and

WHEREAS, the City of Olean has held a public hearing to provide information to the public and to consider citizen comments regarding community needs and the proposed use of CDBG Program Income; and

WHEREAS, the City of Olean solicited bids which were publically read on November 16, 2018 for the demolition and site cleaning of the four aforementioned properties; and

WHEREAS, upon review of received bids by the City of Olean Code Enforcement Division and Department of Community Development, it was determined that the lowest responsible bidder is Empire Building Diagnostics, Inc. of Depew, New York, with a bid of \$101,000; and

WHEREAS, subject to the OCR approval of the use of the Program Income for demolition, the Common Council commits to utilizing \$1,525 from Capital Fund #177, Demolition of Unsafe Buildings, to cover the funding gap between the Program Income and the contract amount of \$101,000;

NOW, THEREFORE, BE IT RESOLVED, that upon review and analysis of the recommendation of the Code Enforcement Division and Department of Community Development and contingent upon OCR’s approval of the use of the Program Income to partially fund the demolition, the Common Council authorizes the Mayor to execute a contract with Empire Building Diagnostics, Inc., the lowest responsible bidder, for the demolition of the structures located at 331 North Thirteenth Street, 213 West Greene Street, 305 North Seventh Street, and 122 East Henley Street for an amount not to exceed \$101,000.

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to sign any pertinent contracts, documents and instruments associated with the aforementioned Project.

RESOLVED, that this Resolution shall be effective immediately.

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ROLL CALL, AYES ALL. MOTION CARRIED.

ADJOURNMENT

Motion to adjourn was made by Alderman Crawford, seconded by Alderman Witte. Voice vote, ayes all. Motion carried. Meeting adjourned at approximately 7:05 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, 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