

# Journal of Proceedings

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

January 22, 2019

**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, January 22, 2019 at 6:50 p.m.*

PRESENT: *Aldermen Crawford, Witte, Andreano, Gonzalez, Dougherty, Crawford, 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; Jeff Rowley, Police Chief; Bob Bell, Fire 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 January 8, 2019 meeting was made by Alderman Dougherty, seconded by Alderman Gonzalez. Voice vote, ayes all. Motion carried.*

**COMMITTEE REPORTS & UNFINISHED COUNCIL BUSINESS**

*Report from Committee of the Whole on PL #03-19, to amend the City of Olean Code of Ordinances Section 24-134 to include Winters Avenue, West, between Washington Street and Sullivan Street, and to authorize the installation of "No Parking" signs on the west side of Winters Avenue. Committee recommends approval. Referred to City Attorney for Resolution.*

*Report from Strategic Planning Committee on PL #04-19, to authorize the subdivision of a parcel located at 1404 Buffalo Street in accordance with Chapter 22, Article III of the City of Olean Code of Ordinances. Committee recommends approval. Referred to City Attorney for Resolution.*

*Report from Committee of the Whole on PL #05-19, to authorize the Mayor to sign and submit an application for funding to National Grid under the Urban Center / Commercial District Revitalization Program in connection with the electric costs for the Walkable Olean Phase II Project. Committee recommends approval. Referred to City Attorney for Resolution.*

*Report from Committee of the Whole on PL #06-19, to authorize the Mayor to sign and submit a Community Development Block Grant Application to the New York State Office of Community Renewal under the Economic Development Program in connection with the development of a new hotel currently addressed as 1404 Buffalo Street. Committee recommends approval. Referred to City Attorney for Resolution.*

*Report from Committee of the Whole on PL #07-19, to adopt the Section 3 Participation Plan for the City of Olean. Committee recommends approval. Referred to City Attorney for Resolution.*

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*Report from Committee of the Whole on PL #08-19, to adopt a Fund Balance Policy and Policy for Manual Journal Vouchers for the City of Olean. Committee recommends approval. Referred to City Attorney for Resolution.*

*Report from Committee of the Whole on PL #11-19, to authorize a ten month extension to Michael and Kathleen Martel for the rehabilitation of the property located at 602-604 West Greene Street. Committee recommends approval. Referred to City Attorney for Resolution.*

## **COMMUNICATIONS FROM THE MAYOR**

*Happy Birthday to the Council President, John Crawford*

*Notice of Resignation – Kyle Threehouse after 10 years with the City’s Police Department*

*Notice of Retirement – James “JJ” Kolkowski effective February 22, 2019 after 39 years with the City’s Police Department*

## **MISCELLANEOUS COMMUNICATIONS**

*None*

## **CITY OFFICIAL REPORTS**

*None*

## **PROPOSED LEGISLATION AND REFERRALS**

*PL #07-19: (Aiello) To adopt the Section 3 Participation Plan for the City of Olean. Referred to Committee of the Whole Tuesday, January 22, 2019 by Council President.*

*PL #08-19: (Crawford) To adopt a Fund Balance Policy and Policy for Manual Journal Vouchers for the City of Olean. Referred to Committee of the Whole Tuesday, January 22, 2019 by Council President.*

*PL #09-19: (Aiello) That the Common Council as Lead Agency concludes that the proposed City of Olean Allegany River Wastewater Syphon Study is a Type II Action and that after full review of the Environmental Assessment Form determines that the project will have no adverse environmental impact and thus declares a Negative Declaration. Referred to Strategic Planning Committee by Council President.*

*PL #10-19: (Aiello) To authorize the Mayor to sign and submit a grant application to the New York State Environmental Facilities Corporation under the Engineering Planning Grant Program (EPG) for the City of Olean Allegany River Wastewater Syphon Study, and to authorize the commitment of \$6,000 of funding from the 2018-2019 Sewer Fund budget for the local match required for said application. Referred to Strategic Planning Committee by Council President.*

*PL #11-19: (Crawford) To authorize a ten month extension to Michael and Kathleen Martel for the rehabilitation of the property located at 602-604 West Greene Street, Olean. Referred to Committee of the Whole Tuesday, January 22, 2019 by Council President.*

## **PUBLIC COMMENT/INPUT**

*Alderman Andreano explained that on January 30, 2019 at 6:00 p.m. in room 119 of the Olean Municipal Building, the Neighborhood Task Force will be having an open*

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*meeting, during which they will hold their regular meeting and then discuss how to start a neighborhood watch, as well as concerns in different neighborhoods in the City. She invited everyone to attend.*

*Alderman Smith explained that during the winter storm over the weekend, he had several issues which he had to call police dispatch for, and they were very helpful. He thanks them for their great work.*

## **FINANCE / BILLS**

*By Alderman Crawford, Seconded by Alderman Witte*

*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 \$738,687.44 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**

### **RESOLUTION #03-19**

### **PL #05-19**

*By Alderman Witte, Seconded by Alderman Andreano*

**TO AUTHORIZE THE MAYOR TO SIGN AND SUBMIT AN APPLICATION FOR FUNDING TO NATIONAL GRID UNDER THE URBAN CENTER / COMMERCIAL DISTRICT REVITALIZATION PROGRAM IN CONNECTION WITH ELECTRIC COSTS FOR THE WALKABLE OLEAN PHASE II PROJECT / BOA DOWNTOWN REDEVELOPMENT PROJECT**

**WHEREAS**, the National Grid Urban Center / Commercial District Revitalization Program provides matching grants of up to \$100,000 to local municipalities with a population restriction of 10,000 to 14,999 residents, development corporations, universities, and medical complexes undertaking major neighborhood revitalization projects tied to specific investments in vacant / underutilized structures, neighborhoods, and sites within the urban core; and

**WHEREAS**, the City of Olean has received funding from the New York State Department of Transportation and Empire State Development for the Walkable Olean Phase II Project / BOA Downtown Redevelopment Project to improve traffic flow and increase pedestrian connectivity along Main Street from North Union Street Extension to just north of Front Street and along Front Street from North Union Street to First Avenue; and

**WHEREAS**, the City is eligible to apply for additional funding through National Grid's Urban Center / Commercial District Revitalization Program for costs associated with new lighting and pedestrian signals; and

**WHEREAS**, the projected Walkable Olean Phase II / BOA Downtown Redevelopment Project Electric Costs have been determined to be \$100,000;

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**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor is authorized to sign and submit a grant application to National Grid through its Urban Center / Commercial District Revitalization Program in the amount of \$100,000 for electric costs associated with the Walkable Olean Phase II/BOA Downtown Redevelopment Project.

**RESOLVED**, that the Mayor is hereby authorized to execute any contracts, documents and instruments associated with the aforementioned Program.

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

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

## **RESOLUTION #04-19**

### **PL #06-19**

By Alderman George, Seconded by Alderman Witte

#### **TO AUTHORIZE THE MAYOR TO SIGN AND SUBMIT A COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION TO THE NEW YORK STATE OFFICE OF COMMUNITY RENEWAL UNDER THE ECONOMIC DEVELOPMENT PROGRAM IN CONNECTION WITH THE DEVELOPMENT OF A NEW HOTEL CURRENTLY ADDRESSED AS 1404 BUFFALO STREET**

**WHEREAS**, HK Olean Hotel, LLC (hereinafter the “Company”) plans to develop and operate a 58,447 square foot branded 90-room hotel on an approximately 2.4-acre site at 1404 Buffalo Street in the City of Olean (the “Project”); and

**WHEREAS**, the Project will have an estimated capital cost of \$13,333,000 and include construction, furnishings, fixtures, equipment, soft costs, working capital, and miscellaneous additional project costs; and

**WHEREAS**, the Company has requested that the City of Olean apply for Community Development Block Grant funding from the New York State Office of Community Renewal (the “OCR”) to finance a portion of the furnishings, fixtures, and equipment costs of the Project; and

**WHEREAS**, the Olean Local Development Corporation is assisting in the facilitation of the Project and has requested that the City provide the OCR funding to the OLDC as a grant for the purpose of making a loan and deferred loan to the Company; and

**WHEREAS**, the Project will create an estimated 24 new permanent full-time employment positions and 11 part-time employment positions; and

**WHEREAS**, the Project represents an important commercial development within the City of Olean Northwest Quadrant Brownfield Opportunity Area (BOA) and is designed to stimulate additional commercial development within the BOA; and

**WHEREAS**, the City has held a public hearing on January 22, 2019 to obtain a citizens’ comments regarding the Project and the CDBG program as administered by the OCR;

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council hereby authorizes the Mayor to submit a grant application to the OCR on behalf of the City in the approximate amount of \$450,000 to support the Project; and

**BE IT FURTHER RESOLVED**, that the Mayor is hereby authorized to execute a grant agreement between the City and the OCR, a grant agreement between the City and the

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OLDC, and all related documents associated with the OCR grant, all such documents to be subject to review and approval by the City Attorney; and

**BE IT FURTHER RESOLVED**, that the Mayor is hereby designated as the Certifying Officer responsible for all activities associated with the federal environmental review process to be completed in conjunction with the Project.

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

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

## **RESOLUTION #05-19**

### **PL #07-19**

By Alderman Witte, Seconded by Alderman Gonzalez

#### **TO ADOPT THE SECTION 3 PARTICIPATION PLAN FOR THE CITY OF OLEAN**

**WHEREAS**, Section 3 of the Housing and Urban Development Act of 1968, as amended (“Section 3”) requires that economic opportunities generated by certain U.S. Department of Housing and Urban Development financial assistance for housing and community development programs be directed to low- and very low-income persons, particularly those who are recipients of government assistance for housing, and business concerns which provide economic opportunities to low- and very low income persons; and

**WHEREAS**, the Section 3 Plan as proposed requires that if the City of Olean receives community development or housing assistance covered by Section 3, that it has the responsibility to comply with Section 3 in its own operations, including notifying Section 3 Residents and businesses about job opportunities and contracts generated by Section 3 covered assistance so that residents may seek jobs and businesses may submit bids/proposals for available contracts, notifying potential contractors of the objectives of Section 3 and ways in which each contractor can assist the sub-recipient to meet its goal, facilitating the training and employment of Section 3 Residents and the award of contracts to Section 3 Business Concerns, and documenting the action that the sub-recipient takes to comply with the Section 3 requirements, the results of the actions and impediments, if any; and

**WHEREAS**, recipients of funding from the New York State Office of Homes and Community Renewal (HCR) agree within their contracts to comply with Section 3 requirements and the New York State Office of Community Renewal (OCR) requires that, for all projects that would result in Community Development Block Grant (CDBG) assistance in excess of \$200,000, the municipality receiving the grant adopt a Section 3 Participation Plan; and

**WHEREAS**, the City is desirous of implementing policies and procedures to ensure that Section 3, when required, is followed and developing programs and procedures necessary to implement this policy and wishes to facilitate the submittal by the City of applications for CDBG assistance;

**NOW, THEREFORE, BE IT RESOLVED**, pursuant to Section 3 of the Housing and Urban Development Act, as amended and 24 CFR Part 135, the Common Council of the City of Olean authorizes the adoption of the Section 3 Participation Plan for Section 3 Covered Contracts.

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

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

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## **RESOLUTION #06-19**

### **PL #08-19**

By Alderman Crawford, Seconded by Alderman George

#### **TO ADOPT A FUND BALANCE POLICY AND POLICY FOR MANUAL JOURNAL VOUCHERS FOR THE CITY OF OLEAN**

**WHEREAS**, the Common Council, in an effort to ensure financial security through the maintenance of a healthy fund that guides the creation, maintenance, and use of resources for financial stabilization purposes is desirous of creating a Fund Balance Policy; and

**WHEREAS**, the primary objective of said Policy is to maintain a prudent level of financial resources to protect against reducing service levels or raising taxes and fees due to temporary revenue shortfalls or unpredicted one-time expenditures, while also seeking to maintain the highest possible credit ratings which are dependent, in part, on the City's maintenance of a healthy fund balance; and

**WHEREAS**, the Common Council has determined that the fund balance must be properly maintained at fifteen percent (15%) of the respective fund budgets (General Fund, Water Fund, and Sewer Fund) in order to promote the goals of creating an open, transparent and accountable use of public funds; and

**WHEREAS**, the Common Council, in an effort to strengthen internal control, and to ensure consistency in the recording and reviewing processes of manual journal vouchers, is desirous of creating a Policy for Manual Journal Vouchers;

**RESOLVED**, that the Common Council hereby adopts the Fund Balance Policy and Policy for Manual Vouchers for the City of Olean.

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

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

## **RESOLUTION #07-19**

### **PL #11-19**

By Alderman Crawford, Seconded by Alderman Witte

#### **TO AUTHORIZE A TEN MONTH EXTENSION TO MICHAEL AND KATHLEEN MARTEL FOR THE REHABILITATION OF THE PROPERTY LOCATED AT 602-604 WEST GREENE STREET, OLEAN**

**WHEREAS**, on March 27, 2018, the Common Council of the City of Olean approved a Resolution to deed the property located at 602-604 West Greene Street, Olean to Michael and Kathleen Martel for the cost of \$1, and in return the Martels would have ten months from the date of the deed transfer to rehabilitate the property and receive a Certificate of Occupancy from the City of Olean Code Enforcement Division; and

**WHEREAS**, the Martels have requested a ten month extension for the completion of said rehabilitation to extend the required completion date from February 12, 2019 to December 12, 2019; and

**WHEREAS**, the Common Council has determined that sufficient progress has been made on the rehabilitation of the property to grant the requested extension;

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**NOW, THEREFORE, BE IT RESOLVED**, that the Common Council authorizes a ten month extension to Michael and Kathleen Martel for the rehabilitation of the property located at 602-604 West Green Street, Olean.

**RESOLVED**, that failure of Michael and Kathleen Martel to rehabilitate the property and receive a Certificate of Occupancy by December 26, 2019 without a duly resolved extension of time authorized by the Common Council shall cause the property to revert back to the City of Olean.

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

## *ADJOURNMENT*

*Motion to adjourn was made by Alderman Crawford, seconded by Alderman Dougherty. Voice vote, ayes all. Motion carried. Meeting adjourned at approximately 7:00 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*