

# **Journal of Proceedings**

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

March 12, 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, March 12, 2019 at 7:00 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; 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 February 26, 2019 meeting was made by Alderman Andreano, seconded by Alderman Witte. Voice vote, ayes all. Motion carried.*

***COMMITTEE REPORTS & UNFINISHED COUNCIL BUSINESS***

*Report from Committee of the Whole on PL #25-19, to authorize the use of \$188,343 of allocated funding for the Farmers' Market Project for the purchase of structural components, the award of a contract for the construction of steel columns, and for additional project contingency. Committee recommends approval. Referred to City Attorney for Resolution.*

***COMMUNICATIONS FROM THE MAYOR***

*Condolences to the family and friends of Phil Shewairy, a past Olean Firefighter*

*Reminder – Thursday, March 14, 2019, send off for Olean High School Boys' Basketball Team going to the Final 4 in Binghamton*

***MISCELLANEOUS COMMUNICATIONS***

*None*

***CITY OFFICIAL REPORTS***

*Monthly Report of the City Auditor – month ended February 2019*

*Quarterly Report of the City Auditor – nine months ended February 28, 2019*

***PROPOSED LEGISLATION AND REFERRALS***

*PL #24-19: (Crawford) To establish the City of Olean Sidewalk Rebate Program. Referred to Committee of the Whole Tuesday, March 19, 2019 by Council President.*

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*PL #25-19: (Aiello) To authorize the use of \$188,343 of allocated funding for the Farmers' Market Project for the purchase of structural components, the award of a contract for the construction of steel columns, and for additional project contingency. Referred to Committee of the Whole Tuesday, March 12, 2019 by Council President.*

## **PUBLIC COMMENT/INPUT**

*Alderman Dougherty gave his condolences to the family of Phil Shewairy, who was very close to him and his family.*

## **FINANCE / BILLS**

*Mark Crino of 105 Grant Court read an excerpt regarding morality and religion, and asked the Council if they recognized it. He explained that it is from the Charter for Compassion, and he explained that the Council declaring Olean a "Charter for Compassion" City is a direct violation of the separation of church and state. He explained that anything regarding scripture or religion is not the business of the Council to vote on, and because of the violation, the City needs to reverse the decision and have nothing to do with the Charter as a governing body. He explained that morals come from religious teachings, and upbringings, not from the government. He explained that according to the Charter, anyone who agrees to the Charter needs to come up with sustainable goals, which includes those which are directly in violation of the teachings of Catholicism. He explained that the Council had no right to do this and that the best decision would be to reverse the declaration.*

*Alderman Crawford responded that the Council spent time reading about the Charter prior to making their decision.*

## **RESOLUTIONS**

### **RESOLUTION #24-19**

### **PL #25-19**

*By Alderman Gonzalez, Seconded by Alderman George*

***TO AUTHORIZE THE USE OF \$188,343 OF ALLOCATED FUNDING FOR THE FARMERS' MARKET PROJECT FOR THE PURCHASE OF STRUCTURAL COMPONENTS, THE AWARD OF A CONTRACT FOR THE CONSTRUCTION OF STEEL COLUMNS, AND FOR ADDITIONAL PROJECT CONTINGENCY***

***WHEREAS***, the Common Council desires to undertake the construction of a new Downtown Farmers' Market structure in Lincoln Park; and

***WHEREAS***, the City of Olean has received assistance in the amount of \$600,000 from Senator Catharine Young; \$220,000 from Empire State Development; and \$200,000 from Cattaraugus County; the City of Olean will provide \$230,000 to the project; and

***WHEREAS***, the Common Council awarded three Downtown Farmers' Market contracts totaling \$1,061,657 on February 12, 2019 to Kinley Corporation, Ciancio Plumbing and Kel-Kur Electric; and

***WHEREAS***, the three prior approved contracts did not include the purchase of structural components or the contract for the construction of steel columns; and

***WHEREAS***, pricing for structural components has been reviewed by the Director of Public Works, as well as the proposal for the construction of steel columns by Billings Sheet Metal, Inc.;

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***NOW, THEREFORE, BE IT RESOLVED,** that the Common Council authorizes the use of \$188,343 of project funding for the purchase of structural components, a contract for steel columns, and additional contingency for the Project.*

***BE IT FURTHER RESOLVED,** that the Common Council authorizes the award of the contract for the steel column construction to Billings Sheet Metal, Inc. in an amount not to exceed \$27,900.*

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

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

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

## ADJOURNMENT

*Motion to adjourn was made by Alderman Crawford, seconded by Alderman Andreano. Voice vote, ayes all. Motion carried. Meeting adjourned at approximately 7:10 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*