

# **Journal of Proceedings**

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

April 9, 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, April 9, 2019 at 7:30 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; Keri Kerper, Community Development Program Coordinator; Kris Shewairy, Director of Youth and Recreation; Gregg Piechota, City Assessor; 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 March 26, 2019 meeting was made by Alderman Andreano, seconded by Alderman George. Voice vote, ayes all. Motion carried.*

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

*Report from Committee of the Whole on PL #24-19, to establish the City of Olean Sidewalk Rebate Program. Committee recommends approval. Referred to City Attorney for Resolution.*

*Report from Committee of the Whole on PL #28-19, to authorize the installation of a "Do Not Block Driveway" sign in the vicinity of 922-924 North Union Street. Committee recommends approval. Referred to City Attorney for Resolution.*

*Report from Committee of the Whole on PL #31-19, to authorize the removal of four existing lighting fixtures by National Grid located along South Street. Committee recommends approval. Referred to City Attorney for Resolution.*

*Report from Committee of the Whole on PL #32-19, to authorize the transfer of \$17,500 from A-01-4068-455, Insect Control, to Capital Fund #150, Sidewalk Replacement. Committee recommends approval. Referred to City Attorney for Resolution.*

***COMMUNICATIONS FROM THE MAYOR***

*Special Proclamation for Fair Housing Month*

***MISCELLANEOUS COMMUNICATIONS***

*Application for a Liquor License – Olean Hospitality Group, Inc. (The Old Library Restaurant) – 116 South Union Street, Olean*

***CITY OFFICIAL REPORTS***

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None

## **PROPOSED LEGISLATION AND REFERRALS**

*PL #27-19: (Smith) To order the removal of structures located at 412-R North Thirteenth Street, City of Olean. Referred to Committee of the Whole Tuesday, April 9, 2019 by Council President.*

*PL #28-19: (George) To authorize the installation of a “Do Not Block Drive” sign in the vicinity of 922-924 North Union Street. Referred to Committee of the Whole Tuesday, April 9, 2019 by Council President.*

*PL #29-19: (Aiello) Budget 2019-2020. Referred to Committee of the Whole Tuesday, April 9, 2019 by Council President.*

*PL #30-19: (Aiello) To authorize the closing of nine (9) Capital Funds, and to authorize the transfer of funds associated with said closings. Referred to Regular Meeting Tuesday, April 9, 2019 for Resolution by Council President.*

*PL #31-19: (Aiello) To authorize the removal of four (4) existing lighting fixtures by National Grid located along South Street. Referred to Committee of the Whole Tuesday, April 9, 2019 by Council President.*

*PL #32-19: (George) To authorize the conveyance of an easement to the owners of 794 North Union Street. Referred to City Operations Committee by Council President.*

*PL #33-19: (Crawford) To authorize the transfer of \$17,500 from A-01-5-4068.455, Insect Control, to Capital Fund #150, Sidewalk Replacement. Referred to Committee of the Whole Tuesday, April 9, 2019 by Council President.*

*PL #34-19: (Dougherty) To grant Sunny Olean, LLC permission (pursuant to Olean City Code of Ordinances Section 27-7) to install an open loop geothermal water well at the premises located at 106-116 West State Street, Olean. Referred to Strategic Planning Committee by Council President.*

## **PUBLIC COMMENT/INPUT**

*Alderman Andreano explained that this Thursday April 11<sup>th</sup> is Unified Sports Day at St. Bonaventure University and invited everyone to attend.*

*Mark Crino of 105 Grant Court explained that this is the third time that he has spoken during Public Comment regarding the Council’s resolution to make Olean a “Charter for Compassion City”. He explained that the Charter is not all encompassing to all religions, and some things in the Charter alienate him as a Catholic. He explained that this is not good for all, and the Council should not be making this decision for everyone in the City. He explained that he will keep coming back until he sees dialog open up and progress being made to reverse this decision.*

## **FINANCE / BILLS**

None

## **RESOLUTIONS**

**RESOLUTION #28-19**

**PL #24-19**

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By Alderman Crawford, seconded by Alderman Dougherty

## **TO ESTABLISH THE CITY OF OLEAN SIDEWALK REBATE PROGRAM**

*WHEREAS, the City of Olean Common Council has earmarked funding in Capital Fund #150 for the purpose of a rebate program to aid in the improvement and enhancement of the safety, walking conditions and ADA compliance of sidewalks throughout the City's residential neighborhoods;*

*BE IT RESOLVED THAT the City of Olean Common Council hereby establishes the Sidewalk Rebate Program to provide financial assistance in the form of a rebate based on the square footage of concrete sidewalk replaced by the property owner.*

*RESOLVED, that the following provisions shall apply to said City of Olean Sidewalk Rebate Program:*

- *Applicant must maintain property as their primary residence;*
- *Subject property must be an owner occupied, single-family dwelling unit or duplex (non-owner occupied dwelling units and non-owner occupied properties are ineligible for the program);*
- *A rebate of \$6.00 per square foot is available for the mainline sidewalk for residential properties with a \$1,000 cap per property (driveway aprons and approach sidewalks are ineligible for this program);*
- *A permit will be required for sidewalk replacement; however, DPW permit fees will be waived for program participants;*
- *All concrete work must be done by a licensed contractor of the homeowner in accordance with City of Olean specifications;*
- *Eligible sidewalks include those that are heaved or sunk, cracked or broken, or are not in compliance with ADA regulations as determined by the Department of Public Works. (sidewalks replaced for cosmetic purposes only are ineligible for this program);*
- *An application (available in the Department of Public Works) must be completed and submitted to the Department of Public Works by the property owner.*
- *DPW inspection and approval of the application is required prior to the commencement of the project in order for the project to be eligible for the rebate.*
- *A post-construction inspection will be performed prior to release of funding;*
- *Priority will be given to applicants who have been notified by the Department of Public Works that their sidewalk is in need of replacement;*
- *The Director of Public Works shall have the authority to promulgate any additional rules and regulations in furtherance of the delivery of this program.*

*RESOLVED, that this Resolution shall take effect immediately.*

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

## **RESOLUTION #30-19**

### **PL #30-19**

By Alderman Dougherty, Seconded by Alderman Witte

## **TO AUTHORIZE THE CLOSING OF NINE (9) CAPITAL FUNDS, AND TO AUTHORIZE THE TRANSFER OF FUNDS ASSOCIATED WITH SAID CLOSINGS**

*RESOLVED, that the transfer of \$4,717.79 is authorized from A-01-5-1990.590*

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(General Fund Contingency) to A-01-9955.550 (Transfer to Capital Projects).

**RESOLVED**, that the following transfers be authorized:

<i>Account #</i>	<i>Description- General</i>	<i>Amount Transferred</i>	<i>Transferred from</i>
CF #101	City Alarm	(8,988.05)	
CF #132	Parking Lot Maintenance	19,244.00	
CF #159	Recreation Center	8,179.00	
	Brownfield Opportunity Areas		
CF #162	Program	(3,220.00)	
CF #165	Bradner Stadium Project	(21,520.00)	
CF #168	Homer Street Playground	(500.00)	
	York Street / Prospect Avenue		
CF #171	Paving	8,690.00	
CF #172	Purchase of Ladder Truck	(11,283.00)	
	John J. Ash Building – Floor		
CF #182	Replacement	4,680.00	
A-01-5-9955.550	<b>General Fund Transfer to Capital Projects</b>		<b>4,717.79</b>

**RESOLVED**, that the following Capital Funds are to be closed by the City Auditor:  
Capital Funds 101, 132, 159, 162, 165, 168, 171, 172, and 182.

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

## **RESOLUTION #31-19**

### **PL #31-19**

By Alderman George, Seconded by Alderman Gonzalez

**TO AUTHORIZE THE REMOVAL OF FOUR (4) EXISTING LIGHTING FIXTURES BY NATIONAL GRID LOCATED ALONG SOUTH STREET**

**RESOLVED**, that the Common Council, on behalf of the City of Olean, authorizes the removal of four (4) existing 250w street lighting fixtures utilizing City of Olean-owned poles located along South Street (Poles #1, #2, #3, #4); and

**BE IT FURTHER RESOLVED**, that the Common Council, on behalf of the City of Olean, authorizes National Grid to remove four (4) 250w street lighting from the existing City of Olean inventory.

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

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

## **RESOLUTION #32-19**

### **PL #33-19**

By Alderman Crawford, Seconded by Alderman Witte

**TO AUTHORIZE THE TRANSFER OF \$17,500 FROM INSECT CONTROL TO CAPITAL FUND #150, SIDEWALK REPLACEMENT**

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**RESOLVED**, that the Common Council authorizes the transfer of \$17,500 from Insect Control – Miscellaneous Fees for Service (A-01-5-4068.455) to Capital Fund #150, Sidewalk Replacement, for the City of Olean Sidewalk Rebate Program.

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

**ROLL CALL, AYES ALL. 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 7:45 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