

# **Journal of Proceedings**

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

May 14, 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, May 14, 2019 at 6:35 p.m.*

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

*ABSENT:* *Aldermen Crawford and Witte*

*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; 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 April 23, 2019 meeting was made by Alderman Andreano, seconded by Alderman George. Voice vote, ayes all. Motion carried.*

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

*Report from Strategic Planning Committee on PL #34-19, 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. Committee recommends approval. Referred to City Attorney for Resolution.*

*Report from Committee of the Whole on PL #41-19, to approve the following Olean Homeownership Assistance Program (OHAP) application: OHAP #50-17, in an amount not to exceed \$8,496. Committee recommends approval. Referred to City Attorney for Resolution.*

*Report from Committee of the Whole on PL #44-19, to authorize the Mayor to execute a Third Party Operator Agreement for the Olean Area Transit System (OATS) extending the existing contract between the City of Olean and First Transit, Inc. Committee recommends approval. Referred to City Attorney for Resolution.*

***COMMUNICATIONS FROM THE MAYOR***

*Mayor Aiello expressed his condolences for the family of Buddy Little, a previous City employee in the Electrical Division, who passed away recently.*

***MISCELLANEOUS COMMUNICATIONS***

*None*

***CITY OFFICIAL REPORTS***

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

***PROPOSED LEGISLATION AND REFERRALS***

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*PL #41-19: (Aiello) To approve the following Olean Homeownership Assistance Program (OHAP) application: OHAP #50-17, in an amount not to exceed \$8,496. Referred to Committee of the Whole Tuesday, May 14, 2019 by Council President.*

*PL #42-19: (Aiello) To authorize the Mayor to enter into a contact between the County of Cattaraugus and the City of Olean for mosquito spraying services for the term May 1, 2019 through December 31, 2019. Referred to Regular Meeting Tuesday, May 14, 2019 for Resolution by Council President.*

*PL #43-19: (Aiello) To authorize an extension to Rural Revitalization Corporation for the demolition of the property located at 306 North Eleventh Street, Olean. Referred to Regular Meeting Tuesday, May 14, 2019 for Resolution by Council President.*

*PL #44-19: (Aiello) To authorize the Mayor to execute a Third Party Operator Agreement for the Olean Area Transit System (OAYS) extending the existing contract between the City and First Transit, Inc. Referred to Committee of the Whole Tuesday, May 14, 2019 by Council President.*

## **PUBLIC COMMENT/INPUT**

*None*

## **FINANCE / BILLS**

*None*

## **RESOLUTIONS**

### **RESOLUTION #40-19**

#### **PL #41-19**

*By Alderman Andreano, Seconded by Dougherty*

### **AUTHORIZING THE RELEASE OF OLEAN HOMEOWNERSHIP ASSISTANCE PROGRAM GRANT FUNDS TO A QUALIFIED HOMEBUYER**

**WHEREAS**, the City of Olean has been awarded grant funds from the New York State Housing Trust Fund Corporation (HTFC) Office of Community Renewal (OCR); and

**WHEREAS**, these funds have been designated to assist low- and moderate-income homebuyers with funding assistance in relation to the purchase of a home in the City of Olean; and

**WHEREAS**, the City of Olean has received an application that has been determined eligible to participate in this program; and

**WHEREAS**, Rural Revitalization Corporation, with whom the City of Olean has contracted with for Professional Housing Counseling Services related to marketing, technical services, and program administration in connection with the Olean Homeownership Assistance Program, has reviewed the application for assistance and has approved the grant to the following applicant:

*OHAP #50-17, not to exceed \$8,496;*

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***NOW, THEREFORE, BE IT RESOLVED,** that the City of Olean approves the above-identified grant to a homebuyer which will be leveraged with loans from private and public lending institutions to assist this application with funding related to the purchase of a home in the City of Olean.*

***BE IT FURTHER RESOLVED,** that the City Auditor is authorized to release the funds to the qualified individual(s) according to the rules and regulations of the funding source.*

***RESOLVED,** that this Resolution will be effective immediately.*

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

## **RESOLUTION #41-19**

### **PL #42-19**

*By Alderman Gonzalez, Seconded by Alderman Dougherty*

***TO AUTHORIZE THE MAYOR TO ENTER INTO A CONTRACT BETWEEN THE COUNTY OF CATTARAUGUS AND THE CITY OF OLEAN FOR MOSQUITO SPRAYING SERVICES FOR THE TERM MAY 1, 2019 THROUGH DECEMBER 31, 2019***

***WHEREAS,** the County of Cattaraugus and the City of Olean have historically entered a contract to spray for mosquitoes; and*

***WHEREAS,** the contract is beneficial to the City because of the health risks that mosquitoes may cause;*

***BE IT RESOLVED,** that the Mayor is authorized to enter into and execute a contract between the County of Cattaraugus and the City of Olean for mosquito spraying services for the term May 1, 2019 through December 31, 2019.*

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

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

## **RESOLUTION #42-19**

### **PL #34-19**

*By Alderman Dougherty, Seconded by Alderman Witte*

***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***

***WHEREAS,** pursuant to City of Olean Code of Ordinances Section 27-7 “the installation of private water wells in the City is provided unless permission is obtained through a resolution of the Common Council”, and “any private water well authorized by the Common Council shall be for nonhuman consumption purposes only and in no way shall such well be connected to the water system, nor shall it discharge into the sanitary sewer system”; and*

***WHEREAS,** Sunny Olean, LLC has approached the Council with the request to install an open loop geothermal water well at their premises located at 106-116 West State Street, Olean for the purpose of providing heat to the property; and*

***WHEREAS,** the Council has reviewed said request, and the use of such well complies with the requirements of Section 27-7 of the City of Olean Code of Ordinances;*

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***NOW, THEREFORE, BE IT RESOLVED**, that the Common Council of the City of Olean hereby grants Sunny Olean, LLC permission, pursuant to Section 27-7 of the City of Olean Code of Ordinances, to install an open loop geothermal water well at the premises located at 106-116 West State Street, Olean, subject to the following:*

- *The geothermal water well must be inspected no less than annually or upon reasonable notice by the City of Olean.*

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

***ROLL CALL, AYES ALL EXCEPT ALDERMAN SMITH, WHO ABSTAINED. MOTION CARRIED.***

*Alderman Andreano explained that she is glad that Rural Revitalization Corporation has decided to demolish this property on North Eleventh Street, as it is quite a mess. Alderman George asked if a shorter timeframe was discussed, and Alderman Gonzalez responded that the only other option, besides allowing them to demolish the structure, is to take the property back and for the City to pay for the demolition. Alderman Dougherty noted that RRC had requested a three to six month extension, so a six month extension was chosen to allow for more time and prevent the potential need for another extension.*

## **RESOLUTION #43-19**

### **PL #43-19**

*By Alderman Andreano, Seconded by Alderman Smith*

***TO AUTHORIZE A SIX MONTH EXTENSION TO RURAL REVITALIZATION CORPORATION FOR THE DEMOLITION OF THE PROPERTY LOCATED AT 306 NORTH ELEVENTH STREET, OLEAN***

***WHEREAS**, on May 22, 2018, the Common Council of the City of Olean approved a Resolution to deed the property located at 306 North Eleventh Street, Olean to Rural Revitalization Corporation for the cost of \$1, and in return Rural Revitalization Corporation 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**, Rural Revitalization Corporation has deemed that the property's condition has made rehabilitation not feasible and have determined that the appropriate action would be to demolish the structure; and*

***WHEREAS**, Rural Revitalization Corporation has requested a six month extension for the completion of said demolition to extend the required completion date from May 16, 2019 to November 16, 2019; and*

***WHEREAS**, the Common Council has reviewed said request and has determined that granting the requested extension is the appropriate option;*

***NOW, THEREFORE, BE IT RESOLVED**, that the Common Council authorizes a six month extension to Rural Revitalization Corporation for the demolition of the property located at 306 North Eleventh Street, Olean.*

***RESOLVED**, that failure of Rural Revitalization Corporation to demolish the property in accordance with the requirements of the City of Olean Code of Ordinances by November 16, 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.***

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**RESOLUTION #44-19**

**PL #44-19**

By Alderman Andreano, Seconded by Alderman Gonzalez

***TO AUTHORIZE THE MAYOR TO EXECUTE A THIRD PARTY OPERATOR AGREEMENT FOR THE OLEAN AREA TRANSIT SYSTEM (OATS) EXTENDING THE EXISTING CONTRACT BETWEEN THE CITY AND FIRST TRANSIT, INC.***

***WHEREAS***, in February 2016, the City solicited proposals to continue the public transportation service known as the Olean Area Transit System (OATS) through a formal Request for Proposals procurement process for services for the period 06/01/2016 – 05/31/2017 with an option to renew for up to three one year extensions; and

***WHEREAS***, after recommendation by City staff, on April 12, 2016, the Common Council via Resolution #23-16 authorized the Mayor to execute a Third Party Operator Agreement with First Transit, Inc. for the operation of the OATS; and

***WHEREAS***, said Resolution states that the Mayor will not be authorized to approve an extension of the contract without prior Council approval; and

***WHEREAS***, First Transit, Inc., has provided the required and necessary public transportation service as outlined in the City's original procurement process;

***NOW, THEREFORE, BE IT RESOLVED***, that the Common Council authorizes the Mayor to execute a Third Party Operator Agreement exercising the one year option extending the existing contract between the City and First Transit, Inc. for the period 06/01/2019 – 05/31/2020.

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

***ADJOURNMENT***

*Motion to adjourn was made by Alderman Gonzalez, seconded by Alderman Andreano. Voice vote, ayes all. Motion carried. Meeting adjourned at approximately 6:45 p.m.*

\_\_\_\_\_  
*Lens Martial, City Clerk*

\_\_\_\_\_  
*Mayor William J. Aiello*

\_\_\_\_\_  
*John Crawford, Council President*

*I hereby approve the foregoing minutes*

*Dated: \_\_\_\_/\_\_\_\_/\_\_\_\_*

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*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.*

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*Lens Martial, City Clerk*