

Journal of Proceedings

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

May 28, 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 28, 2019 at 6:35 p.m.

PRESENT: *Aldermen Crawford, Andreano, Witte, Gonzalez, Dougherty, 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 May 14, 2019 meeting was made by Alderman Gonzalez, seconded by Alderman Dougherty. Voice vote, ayes all. Motion carried.

COMMITTEE REPORTS & UNFINISHED COUNCIL BUSINESS

Report from Committee of the Whole on PL #27-19, to order the removal of structures located at 412-R North Thirteenth Street, City of Olean. Committee recommends approval. Referred to City Attorney for Resolution.

Report from Committee of the Whole on PL #45-19, to authorize the Mayor to sign an easement between the City of Olean and NYSEG. Committee recommends approval. Referred to City Attorney for Resolution.

COMMUNICATIONS FROM THE MAYOR

Mayor Aiello announced that on Buffalo Street, construction fencing is going up for the hotel project, and equipment is moving in, so the construction phase of the project is beginning.

Mayor Aiello explained that the Olean High School Girls' Softball Team beat City Honors 1 to 0, and are moving on in the playoffs.

MISCELLANEOUS COMMUNICATIONS

None

CITY OFFICIAL REPORTS

None

PROPOSED LEGISLATION AND REFERRALS

PL #45-19: (Aiello) To authorize the Mayor to sign an Easement between the City of Olean and NYSEG. Referred to Committee of the Whole Tuesday, May 28, 2019 by

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Council President.

PL #46-19: (Aiello) To authorize the transfer of Contingency funding from the 2018-2019 budget to various line items and Capital Projects. Referred to Regular Meeting Tuesday, May 28, 2019 for Resolution by Council President.

PL #47-19: (Andreano) To amend the City of Olean Code of Ordinances Section 24-134 to prohibit parking and standing on the North side of East Spring Street on a section between Alder Street and Front Street. Referred to Regular Meeting Tuesday, June 11, 2019 for Resolution by Council President.

PL #48-19: (Andreano) To authorize the removal of a tree located at 1015 Seneca Street by the property owner, with the condition that the property owner also repair or replace the sidewalk abutting the tree. Referred to Regular Meeting Tuesday, May 28, 2019 for Resolution by Council President.

PUBLIC COMMENT/INPUT

Alderman Witte thanked the Exchange Club for their work in the Hometown Heroes banners, as it is a great idea.

Linda Lindermoth of 1301 Reed Street explained that the structure that is proposed to be demolished on North 13th Street is where many community cats take shelter, and she would like to see them trapped and removed prior to the demolition. She explained that she also wants to help and be a part of the TNVR Program, but has not heard anything, so she would like someone to contact her.

Kevin Bartholomew of 737 Bishop Street asked if the money being taken from the Water Fund Contingency (\$12,500 for the purchase of a forklift) will short the fund in the future and make another raise increase a necessity. He also thinks that the City should do something about the railroad underpass on Front Street, whether it be lowering the road or putting up more signage warning of the height of the overpass.

FINANCE / BILLS

By Alderman George, 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 \$1,691,681.04 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

A motion to suspend the rules was made by Alderman Crawford, seconded by Alderman Andreano. Voice vote, ayes all. Motion carried.

A motion to amend the agenda to include Resolution #48-19 was made by Alderman Crawford, seconded by Alderman Andreano. Voice vote, ayes all. Motion carried.

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Alderman Crawford asked if this is a new demolition authorization that was not previously planned for, and Mayor Aiello replied that it is. Alderman Crawford explained that he understands the urgency to try to get the structures down, but that the City has received the properties at 303 East Elm Street and 1013 Washington Street, and the City may receive a potential third property. They are all deplorable properties, and he wonders if waiting to get a “bulk” demolition price on all four properties would be best.

Alderman Gonzalez responded that he feels that “bulk” pricing is a myth, and that it is talked about but never really materializes.

Mayor Aiello explained that it is possible that a better price could be found if all four properties are bid on together, but it is not guaranteed.

Alderman Gonzalez explained that he is not against the idea, and Alderman Crawford added that he does not want to detract from the matter at hand. He asked if this is mission critical, or if it would benefit the City to wait.

Alderman Smith expressed that he feels that there is some truth to what Paul is saying, but that it could go both ways. He has seen the City, though, spend years waiting on better deals and never get them. He feels that the City should knock this property down. He asked if it is unsafe, if the demolition could be delayed. Mr. DiCerbo responded that legally, the demolition can be delayed; however, the Council needs to be aware that they were put on notice, and if someone is injured on the property, there is potentially liability on the part of the City.

Alderman Crawford asked if this applies to all of the properties in the City with the red “X” signs. Mr. DiCerbo replied that it does not, because the Fire Chief did not declare those properties a hazard and make the recommendation to knock them down to the Council. He explained that this declaration raises the level of seriousness.

Alderman Dougherty explained that the PL was moved to Resolution last week because the bid amount for the demo was not yet available. He explained that the City sat on 1 houses for two or three years, and it didn’t save us one way or another. He understands that some houses are worth saving, but the right people have to be found to save them, and this one needs to be demolished.

Alderman George asked what the turnaround time is for the County properties, and Mayor Aiello replied that he is unsure because the transfer is in the process now.

Alderman Witte asked how much is left in the budget for demolition, and Mr. Saradin replied that there is about \$40,000 in Capital Fund #177, and \$55,000 in the 2019-2020 budget. Alderman Witte asked if this includes the demolition funding for the Fire Department, and Mayor Aiello explained that is separate. Alderman Witte asked if it is possible to take the funding from the Fire Department’s budget as it is an unsafe building.

Alderman Crawford explained that it seems that everyone is on board with taking the property down, he just wanted to have this conversation to ensure that there is full support to move forward.

RESOLUTION #26-19

PL #27-19

By Alderman Witte, Seconded by Alderman Gonzalez

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**RESOLUTION ORDERING REMOVAL OF STRUCTURES LOCATED AT:
412-R THIRTEENTH STREET N., CITY OF OLEAN; TAX MAP ID # 94.056-2-3**

WHEREAS, in accordance with Olean City Code Section 6-240 the Fire Chief has filed his report in writing with the Common Council containing his findings and recommendations regarding certain structures situate on the premises located at 412-R Thirteenth Street, N., City of Olean; Tax Map ID # 94.056-2-3; which report states his opinion that said structures are unsafe, dangerous, and a nuisance to the public and recommends their immediate removal; and

WHEREAS, the Common Council pursuant to the powers granted to it pursuant to Chapter 6, Article V, Section 240 of the Olean City Code and after (1) reviewing said report; (2) after hearing testimony from the Fire Chief in regard thereto; and (3) after having duly deliberated upon the merits of the matter, have determined that the structures on the premises warrant removal,

NOW, THEREFORE, BE IT RESOLVED, that (1) the Fire Chief is immediately directed to cause the structures on the premises located at 412-R Thirteenth Street N., City of Olean; Tax Map ID #94.056-2-3 to be immediately demolished; (2) That the record reflects that on November 21, 2019, Code Enforcement Officer Edward Jennings served an order to remedy on Arnold E. Simmons, 1507 West State Street #2, Olean, New York 14760, the property owner of record; (3) That the order to remedy or demolish the property at the records owners own expense was to have occurred within 30 days of the service of the owner and to date no action to remedy or demolish has been taken by the record owner; (4) (a) the costs of such demolition shall be charged as an expense against the land on which such building or structure is located secured by a lien filing in the office of the Cattaraugus County Clerk in the amount of the demolition, and (b) the City may commence a special proceeding to collect the costs of said demolition including reasonable and necessary legal expenses incidental to this order to demolish pursuant to New York State General Municipal Law Section 78-b.

RESOLVED, that the Common Council authorizes the award of said demolition to the lowest responsible bidder, Empire Building Diagnostics, Inc., for a cost not to exceed \$23,720.

RESOLVED, that this Resolution shall be effective immediately.

ROLL CALL, AYES ALL. MOTION CARRIED.

RESOLUTION #45-19

PL #45-19

By Alderman Witte, Seconded by Alderman Dougherty

TO AUTHORIZE THE MAYOR TO SIGN AN EASEMENT BETWEEN THE CITY OF OLEAN AND NYSEG

WHEREAS, in association with the Whitney Avenue Parklet Project, NYSEG has requested that the City of Olean enter into an easement for NYSEG's gas lines along the Whitney Avenue property;

RESOLVED, that the Common Council authorizes the Mayor to sign an easement between the City of Olean and NYSEG for the Whitney Avenue property.

RESOLVED, that this Resolution is effective immediately.

ROLL CALL, AYES ALL. MOTION CARRIED.

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RESOLUTION #46-19

PL #46-19

By Alderman Crawford, Seconded by Alderman Dougherty

**RESOLUTION AUTHORIZING THE TRANSFER OF FUNDS FROM GENERAL FUND
CONTINGENCY TO VARIOUS LINE ITEMS**

WHEREAS, the Common Council has determined the best use for remaining 2018-2019 Contingency is for the following:

- To purchase two police vehicles;*
- To fund one third of the cost to purchase a forklift;*
- To purchase a new license plate reader for the Police Department;*
- To contribute to the Capital Fund for a future property revaluation;*
- To contribute to the Capital Fund for the Sidewalk Rebate Program;*
- To purchase body cameras for the Police Department; and*
- To upgrade traffic signals.*

RESOLVED, that the following transfers be authorized:

<i>Account #</i>	<i>Description – General</i>	<i>Transferred From</i>	<i>Transferred to</i>
<i>A-01-5-1990.590</i>	<i>General Fund Contingency</i>	<i>\$185,282</i>	
<i>F-06-5-1990.590</i>	<i>Water Fund Contingency</i>	<i>\$12,500</i>	
<i>Capital Fund #102</i>	<i>Vehicle Replacement Fund</i>		<i>\$105,000</i>
<i>Capital Fund #103</i>	<i>Police Equipment</i>		<i>\$12,000</i>
<i>Capital Fund #170</i>	<i>Property Revaluation</i>		<i>\$25,000</i>
<i>Capital Fund #150</i>	<i>Sidewalks</i>		<i>\$4,282</i>
<i>A01-5-3120.260</i>	<i>Police Body Cameras</i>		<i>\$38,000</i>
<i>A01-5-1690.424</i>	<i>Traffic Signals</i>		<i>\$13,500</i>

BE IT FURTHER RESOLVED, that this Resolution is effective immediately.

ROLL CALL, AYES ALL. MOTION CARRIED.

RESOLUTION #47-19

PL #48-19

By Alderman _____, Seconded by Alderman _____

**TO AUTHORIZED THE REMOVAL OF A TREE LOCATED AT 1015 SENECA STREET BY THE
PROPERTY OWNER, WITH THE CONDITION THAT THE PROPERTY OWNER ALSO REPAIR
OR REPLACE THE SIDEWALK ABUTTING THE TREE**

RESOLVED, that the Common Council authorizes the removal of a tree located at 1015 Seneca Street by the property owner, at the property owner's expense.

BE IT FURTHER RESOLVED, that the authorization for the removal of the tree is given with the condition that the property owner repair or replace the sidewalk abutting the tree after the removal of the tree is completed.

RESOLVED, that this Resolution is effective immediately.

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A motion to postpone Resolution #47-19 to the next Regular Meeting was made by Alderman Crawford, seconded by Alderman Andreano. Voice vote, ayes all. Motion carried.

RESOLUTION #48-19
PL #NONE

By Alderman Crawford, Seconded by Alderman Witte

***AUTHORIZING THE TRANSFER OF FUNDS FROM THE REMAINING 2018-2019 BUDGET TO
CAPITAL FUNDS***

RESOLVED, that the Common Council authorizes the creation of the following Capital Funds:

- Capital Fund #191 – Tree Program;
- Capital Fund #192 – TNVR (Cat) Program;

BE IT FURTHER RESOLVED, that the following transfers be authorized:

<i>Account #</i>	<i>Description- General</i>	<i>Amount Transferred</i>	<i>Transferred to</i>
<i>A-01-5-3650.447</i>	<i>Demolition of Unsafe Buildings</i>	<i>\$11,510</i>	<i>CF#177</i>
<i>A-01-5-5111.307</i>	<i>Emergency Cleanup</i>	<i>\$10,369</i>	<i>CF#191</i>
<i>A-01-5-3510.440</i>	<i>Animal Control</i>	<i>\$5,000</i>	<i>CF#192</i>

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 7:05 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

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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.

Lens Martial, City Clerk