

Journal of Proceedings

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

June 25, 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, June 25, 2019 at 6:50 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; Keri Stephen, Community Development Program Coordinator;; 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 June 11, 2019 meeting was made by Alderman Crawford, seconded by Alderman Gonzalez. Voice vote, ayes all. Motion carried.

COMMITTEE REPORTS & UNFINISHED COUNCIL BUSINESS

Report from Committee of the Whole on PL #52-19, to authorize the Mayor to enter in a Cable Franchise Agreement between the City of Olean and Time Warner Cable Northeast, LLC, locally known as Charter Communications. Committee recommends approval. Referred to City Attorney for Resolution.

Report from Committee of the Whole on PL #54-19, to authorize the conveyance of an easement to the Olean Urban Renewal Agency for a strip of land upon which there is an existing basement exterior staircase located adjacent to the public sidewalk along West State Street on the south side of 101 North Union Street. Committee recommends approval. Referred to City Attorney for Resolution.

Report from Committee of the Whole on PL #55-19, to authorize the Mayor to enter into a Coordinating Partner – Public System Funding Agreement between the City of Salamanca and the City of Olean for OATS bus service reimbursement for the Fiscal Year June 1, 2019 through May 31, 2020. Committee recommends approval. Referred to City Attorney for Resolution.

Report from Committee of the Whole on PL #56-19, to amend Resolutions #28-17, #53-17, #36-18 and #25-19, retroactively, to replace the word “cents” with “dollars” to reflect the correct water and sewer rates. Committee recommends approval. Referred to City Attorney for Resolution.

Report from Committee of the Whole on PL #57-19, to approve the following Olean Homeownership Assistance Program (OHAP) application: OHAP #51-17, in an amount not to exceed \$12,000. Committee recommends approval. Referred to City Attorney for Resolution.

Report from Committee of the Whole on PL #59-19, to authorize the transfer of \$2,612 from General Fund Contingency to line item 5110.447 to cover costs associated with

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the City of Olean's Clean-Up Week. Committee recommends approval. Referred to City Attorney for Resolution.

COMMUNICATIONS FROM THE MAYOR

Mayor Aiello thanked the Fire Chief and Fire Department for the quick action they took at the recent Garden Avenue fire. Alderman Gonzalez asked if the house would be an emergency demolition, and Chief Bell responded that the demolition has already occurred.

MISCELLANEOUS COMMUNICATIONS

None

CITY OFFICIAL REPORTS

None

PROPOSED LEGISLATION AND REFERRALS

PL #55-19: (Aiello) To authorize the Mayor to enter into a Coordinating Partner – Public System Funding Agreement between the City of Salamanca and the City of Olean for OATS Bus Service Reimbursement for the Fiscal Year June 1, 2019 through May 31, 2020. Referred to Committee of the Whole Tuesday, June 25, 2019 by Council President.

PL #56-19: (Aiello) To amend Resolutions #28-17, #53-17, #36-18 and #25-19, retroactively, to replace the word “cents” with “dollars” to reflect the correct water and sewer rates. Referred to Committee of the Whole Tuesday, June 25, 2019 by Council President.

PL #57-19: (Aiello) To approve the following Olean Homeownership Assistance Program (OHAP) application: OHAP #51-17, in an amount not to exceed \$12,000. Referred to Committee of the Whole Tuesday, June 25, 2019 by Council President.

PL #58-19: (Aiello) To designate Savarino Companies, LLC as a “Qualified and Eligible Sponsor”, approving the Development Agreement and qualifying the disposition of the 101 North Union Street property. Referred to Committee of the Whole Tuesday, July 9, 2019 by Council President.

PL #59-19: (Aiello) To authorize the transfer of \$2,612 from General Fund Contingency to line item 5110.447 to cover costs associated with the City of Olean's Clean-Up Week. Referred to Committee of the Whole Tuesday, June 25, 2019 by Council President.

PUBLIC COMMENT/INPUT

Alderman Andreano thanked the Fire Chief, Fire Department and Department of Public Works for their action on the Garden Avenue fire, as although they were unable to save the structure, their quick action prevented the fire from spreading to adjacent homes. Her thoughts are with the family who has lost their home.

Alderman Witte thanked Mr. Ring and the Streets department, as they have been busy milling and with water main breaks, yet have still been keeping up with potholes.

Alderman Smith explained that there was a discussion regarding the airport a couple of weeks ago, and whether or not it is worthwhile to continue to operate it if it runs a deficit. He explained that municipalities are not for profits, and that we shouldn't be looking for a profit from the airport; however, he does not blame anyone for wanting to be fiscally responsible. He explained that plowing, the Police Department and the Fire Department cost the City money to run without a profit, but they all provide a

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benefit enjoyed by residents. He feels that the airport is an important part of the economy, whether you fly or not, He explained that you cannot measure the profitability of the airport solely based on the fuel sales and hangar rentals. He does agree that the County should be paying more towards the running and upkeep of the airport, but he does feel that the airport should continue to be funded.

FINANCE / BILLS

By Alderman Gonzalez, Seconded by Alderman George

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 \$1,948,000.59 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 #60-19 was made by Alderman Crawford, seconded by Alderman Dougherty. Voice vote, ayes all. Motion carried.

RESOLUTION #53-19

PL #52-19

By Alderman Witte, Seconded by Alderman Gonzalez

TO AUTHORIZE THE MAYOR TO ENTER INTO A CABLE FRANCHISE AGREEMENT BETWEEN THE CITY OF OLEAN AND TIME WARNER CABLE NORTHEAST, LLC, LOCALLY KNOWN AS CHARTER COMMUNICATIONS

WHEREAS, an application has been duly made to the Common Council of the City of Olean, County of Cattaraugus, New York, by Time Warner Cable Northeast LLC, l/k/a Charter Communications, a limited liability company organized and existing in good standing under the laws of the State of Delaware doing business at 2604 Seneca Avenue, Niagara Falls, NY 14305, for the approval of a renewal agreement for Time Warner Cable's cable television franchise for fifteen (15) years commencing with the date of approval by the Public Service Commission; and

WHEREAS, the Franchise Renewal Agreement would bring the franchise into conformity with certain provisions of the Federal Cable Communications Policy Act of 1984, as amended, and certain court rulings; and

WHEREAS, a Public Hearing was held in the City of Olean, New York on June 25, 2019 at 6:15 p.m. and notice of this hearing was published in the Olean Times Herald on Saturday, June 15, 2019;

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Olean finds that:

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1. Time Warner Cable Northeast LLC has substantially complied with the material terms and conditions of its existing franchise and with applicable law; and
2. Time Warner Cable Northeast, LLC has the financial, legal and technical ability to provide these services, facilities and equipment as set forth in its proposal attached; and
3. Time Warner Cable Northeast LLC can reasonably meet the future cable-related community needs and interests, taking into account the cost of meeting such needs and interests.

BE IT FURTHER RESOLVED, that the Common Council of the City of Olean hereby grants the cable television franchise of Time Warner Cable Northeast LLC and the City of Olean for fifteen (15) years commencing with the date of approval by the Public Service Commission and expiring fifteen (15) years hence.

BE IT FURTHER RESOLVED, that the Common Council of the City of Olean hereby confirms acceptance of this Franchise Renewal Agreement.

ROLL CALL, AYES ALL. MOTION CARRIED.

RESOLUTION #54-19

PL #53-19

By Alderman Crawford, Seconded by Alderman Gonzalez

TO AMEND THE CITY OF OLEAN CODE OF ORDINANCES SECTION 24-135 TO PROHIBIT PARKING AND STANDING ON THE EAST SIDE OF NORTH 8TH STREET FOR A DISTANCE OF 20 FEET NORTH FROM THE SIDEWALK AT ITS INTERSECTION WITH WEST STATE STREET

RESOLVED, that Section 24-135 of the City of Olean Code of Ordinances is hereby amended to include the following:

Sec. 24-134 Prohibited from designated sign to corner.

When signs are erected giving notice thereof, it shall be unlawful for any person to park a vehicle at any time upon the following streets from the designated sign to corner:

<i>Street</i>	<i>Side</i>	<i>Extent</i>
<i>Eighth Street, North</i>	<i>East</i>	<i>No parking or standing for a distance of 20 feet north from</i>
		<i>the sidewalk at its intersection with West State Street</i>

RESOLVED, that this Resolution is effective immediately.

ROLL CALL, AYES ALL. MOTION CARRIED.

RESOLUTION #55-19

PL #54-19

By Alderman Smith, Seconded by Alderman Dougherty

TO AUTHORIZE THE CONVEYANCE OF AN EASEMENT TO THE OLEAN URBAN RENEWAL AGENCY FOR A STRIP OF LAND UPON WHICH THERE IS AN EXISTING BASEMENT EXTERIOR STAIRCASE LOCATED ADJACENT TO THE PUBLIC SIDEWALK ALONG WEST STATE STREET ON THE SOUTH SIDE OF 101 NORTH UNION STREET

WHEREAS, the Olean Urban Renewal Agency is the owner of a property located at 101 North Union Street, City of Olean; and

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WHEREAS, a staircase for access to the basement of the structure is located in the public right of way; and

WHEREAS, the Olean Urban Renewal Agency wishes to obtain an easement for the purpose of regular access, as well as maintenance, repairs, construction and/or reconstruction of the staircase;

BE IT RESOLVED, that the Common Council authorizes the conveyance of an easement to the Olean Urban Renewal Agency for a strip of land approximately 5'5" by 13'7" upon which there is an existing basement exterior staircase located adjacent to the public sidewalk along West State Street on the south side of 101 North Union Street, approximately 32'2" from its southwest corner.

RESOLVED, that such easement includes, upon notice to and consultation with the City of Olean, the temporary right of access by the Olean Urban Renewal Agency and its agents and assigns the lands of the City of Olean to perform maintenance, repairs, construction and/or reconstruction of the staircase.

BE IT FURTHER RESOLVED, that this easement shall be effective as long as the staircase exists and remains intended to be used or actually utilized by the owner of the property located at 101 North Union Street.

RESOLVED, that this Resolution is effective immediately.

ROLL CALL, AYES ALL. MOTION CARRIED.

RESOLUTION #56-19

PL #55-19

By Alderman Andreano, Seconded by Alderman Witte

TO AUTHORIZE THE MAYOR TO ENTER INTO A COORDINATING PARTNER – PUBLIC SYSTEM FUNDING AGREEMENT BETWEEN THE CITY OF SALAMANCA AND THE CITY OF OLEAN FOR OATS BUS SERVICE REIMBURSEMENT FOR THE FISCAL YEAR JUNE 1, 2019 THROUGH MAY 31, 2020

WHEREAS, the New York Department of Transportation (NYSDOT) provides financial assistance to public transportation operations to enhance the mobility of all residents in New York State; and

WHEREAS, Federal law requires coordination between private, non-profit and public transportation providers and other Federal programs for certain Federal Transit Administration Funding programs; and

WHEREAS, there is recognition of the need to distribute the operating costs of coordinated transportation systems in a rational and fair manner among these coordinating partners; and

WHEREAS, allocations of operating data such as passenger utilization, miles of service or utilization of services attributed to partnering agencies may provide the basis for the distribution of operating costs among partners; and

WHEREAS, the financial contribution from coordinating partners for the operation of Olean Area Transit System (OATS) service will be based on a review of projected system costs for the public transportation system operating year and assessed on the basis of coordinating the transportation services to provide cost efficiency to the community; and

WHEREAS, the estimated financial contribution will be budgeted and made available by the governing entity of the coordinating partner to support the public transportation system operating year; and

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WHEREAS, the operation of the OATS, including system wide administration costs, are estimated to cost \$743,561.18 during fiscal year June 1, 2019 through May 31, 2020; and

WHEREAS, the City of Olean has agreed to assume responsibility to sponsor the operation of the OATS and has assumed the responsibility to make application and accept operating and capital grant assistance from the New York State Department of Transportation for such purpose; and

WHEREAS, after review of operating projections and partner share proposals, the partners to the operation of the OATS agree to contribute partner shares to the operation of said system; and

WHEREAS, the City of Salamanca, New York will contribute \$15,000 to the operation of the OATS in the fiscal year ending May 31, 2020;

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Olean authorizes the Mayor to enter into a Coordinating Partner – Public System Funding Agreement between the City of Salamanca and the City of Olean for OATS Bus Service Reimbursement for the Fiscal Year June 1, 2019 through May 31, 2020.

BE IT RESOLVED, that this Resolution is effective immediately.

ROLL CALL, AYES ALL. MOTION CARRIED.

RESOLUTION #57-19

PL #56-19

By Alderman Crawford, Seconded by Alderman Gonzalez

TO AMEND RESOLUTIONS #28-17, #53-17, #36-18, AND #25-19, RETROACTIVELY, TO REPLACE THE WORD “CENTS” WITH “DOLLARS” TO REFLECT THE CORRECT WATER AND SEWER RATES

RESOLVED, that Resolution #28-17 is amended retroactively to April 11, 2017; Resolution #53-17 is amended retroactively to June 13, 2017; Resolution #36-18 is amended retroactively to March 27, 2018, and Resolution #25-19 is amended retroactively to March 26, 2019 to replace the word “cents” with “dollars” to reflect the correct water and sewer rates.

ROLL CALL, AYES ALL. MOTION CARRIED.

RESOLUTION #58-19

PL #57-19

By Alderman George, Seconded by Witte

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

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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 #51-17, not to exceed \$12,000;

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 #59-19

PL #59-19

By Alderman Witte, Seconded by Alderman Crawford

RESOLUTION AUTHORIZING THE TRANSFER OF FUNDS FROM GENERAL FUND CONTINGENCY TO LINE ITEM 5110.447

RESOLVED, that the following transfer be authorized for costs associated with the City of Olean's 2019 Clean-up Week:

<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>\$2,612</i>	
<i>A-01-5-5110.447</i>	<i>Fees For Services</i>		<i>\$2,612</i>

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

ROLL CALL, AYES ALL. MOTION CARRIED.

RESOLUTION #60-19

PL #NONE

By Alderman Dougherty, Seconded by Alderman George

TO NAME THE BUILDING LOCATED AT LINCOLN PARK "LINCOLN SQUARE"

RESOLVED, that the Common Council of the City of Olean hereby names the building located in Lincoln Park "Lincoln Square".

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.

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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