

Journal of Proceedings

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

January 28, 2020

***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, January 28, 2020 at 6:40 p.m.

PRESENT: Aldermen Gonzalez, Witte, Panus, Dougherty, Crawford, and Smith

ABSENT: Alderman Anaastasia

OFFICIALS: Mayor William Aiello; Lens Martial, City Clerk; Nicholas DiCerbo, Jr., City Attorney; Keri Stephen, Community Development Program Coordinator; 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 Dougherty, 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 January 14, 2020 meeting was made by Alderman Gonzalez, seconded by Alderman Smith. Voice vote, ayes all. Motion carried.

COMMITTEE REPORTS & UNFINISHED COUNCIL BUSINESS

Report from Committee of the Whole on PL #04-20, to authorize the Mayor to sign a continuing agreement between the City of Olean and State of New York in connection with consolidated Section 5311 Program Appalachian Development Public Transportation Assistance Program, Supportive Employment Services and Operating and Capital Assistance Projects for the Olean Area Transit System. Committee recommends approval. Referred to City Attorney for Resolution

Report from Committee of the Whole on PL #05-20, to authorize the transfer of \$10,448 from General Fund Contingency to line item 7150.444 for costs associated with the purchase and installation of two new Zamboni batteries. Committee recommends approval. Referred to City Attorney for Resolution.

COMMUNICATIONS FROM THE MAYOR

Announcement of Retirement – Bob Bell, Fire Chief, effective February 3, 2020

MISCELLANEOUS COMMUNICATIONS

None

CITY OFFICIAL REPORTS

None

PROPOSED LEGISLATION AND REFERRALS

PL #04-20: (Aiello) To authorize the Mayor to sign a continuing agreement between the City of Olean and the State of New York in connection with consolidated Section 5311 Program Appalachian Development Public Transportation Assistance Program,

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Supportive Employment Services and Operating and Capital Assistance Projects for the Olean Area Transit System. Referred to Committee of the Whole Tuesday, January 28, 2020 by Council President.

PL #05-20: (Aiello) To authorize the transfer of \$10,448 from General Fund Contingency to line item 7150.444 for costs associated with the purchase and installation of two new Zamboni batteries. Referred to Committee of the Whole Tuesday, January 28, 2020 by Council President.

PL #06-20: (Anastasia) To authorize the installation of a "No Parking Here to Corner" sign on East Oak Street at the southeast corner of its intersection with Walnut Street for a distance of 20 feet. Referred to Committee of the Whole Tuesday, February 11, 2020 by Council President.

PUBLIC COMMENT/INPUT

Alderman Crawford thanked the first responders who took an active role in the Buffalo Street fire a week ago. He noted that the City will be working in the future to come up with a solution to prevent the financial burden of demolishing these post-fire structures from falling on taxpayers.

Alderman Dougherty sent thoughts to the family of George Carlson, who recently passed away.

Chief Bell thanked everyone who he worked with over the past 36 years, as well as God who has allowed him to continue his journey in life with his wife. He explained that he feels that he is leaving the department in good hands.

Terry Gaylor of 812 Maple Street thanked Chief Bell on behalf of the Firefighter's Union for his time in the department and for everything he has done for the City as well as the collective bargaining unit.

Larry Mack of Humphrey Road in Great Valley asked that the numbers related to OATS grant funding in the Committee of the Whole be provided to him, and Mayor Aiello advised Mr. Mack that the numbers will be available in the meeting minutes, which will be ready for viewing on or before February 11, 2020.

FINANCE / BILLS

By Alderman Dougherty, Seconded by Alderman Panus

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 \$939,700.71 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

RESOLUTION #04-20

PL #04-20

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By Alderman Witte, Seconded by Alderman Dougherty

TO AUTHORIZE THE MAYOR TO SIGN A CONTINUING AGREEMENT BETWEEN THE CITY OF OLEAN AND THE STATE OF NEW YORK IN CONNECTION WITH THE CONSOLIDATED SECTION 5311 PROGRAM APPALACHIAN DEVELOPMENT PUBLIC TRANSPORTATION ASSISTANCE PROGRAM, SUPPORTIVE EMPLOYMENT SERVICES OPERATING AND CAPITAL ASSISTANCE PROJECTS FOR THE OLEAN AREA TRANSIT SYSTEM

WHEREAS, the City of Olean submitting a request for a consolidated grant of funds to the New York State Department of Transportation, pursuant to Section 5311, Title 49 United States Code, for a project to provide public mass transportation service for the City of Olean and its environs in Cattaraugus County, on the Oil Spring and Seneca Allegany Territories of the Seneca Nation of Indians, for the 2019 and 2020 project fiscal years and is committed to provide the local share using local resources, if required; and

WHEREAS, that the Mayor, City of Olean, is authorized to act on behalf of the City of Olean to sign the application and progress and complete the above-referenced project.

WHEREAS, the City of Olean and the State of New York have entered into a continuing agreement which authorizes the undertaking of the project and payment of the Federal Share; and

WHEREAS, the City of Olean is contracting with a third party subcontractor for the project described above;

BE IT RESOLVED, that the Mayor, City of Olean, is authorized to sign any contracts or agreements between the City of Olean, New York State Department of Transportation and any third party subcontractor necessary to complete the public transportation project, subject to the approval of the City of Olean Attorney.

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

ROLL CALL, AYES ALL. MOTION CARRIED.

RESOLUTION #05-20

PL #05-20

By Alderman Witte, Seconded by Alderman Crawford

RESOLUTION AUTHORIZING THE TRANSFER OF FUNDS FROM GENERAL FUND CONTINGENCY TO LINE ITEM 7150.444

RESOLVED, that the following transfer be authorized for costs associated with the purchase and installation of two new Zamboni batteries:

<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>\$10,448</i>	
<i>A-01-5-7150.444</i>	<i>Recreation Maintenance – Repairs to Equipment</i>		<i>\$10,448</i>

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

ROLL CALL, AYES ALL. MOTION CARRIED.

RESOLUTION #06-20

PL#NONE

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By Alderman Gonzalez, Seconded by Alderman Crawford

TO CONFIRM THE MAYORAL APPOINTMENT OF LIEUTENANT TIMOTHY RICHARDSON AS FIRE CHIEF

RESOLVED, that the Common Council of the City of Olean confirms the Mayoral Appointment of Lientenant Timothy Richardson as Fire Chief.

RESOLVED, that this Resolution is effective February 3, 2020.

ROLL CALL, AYES ALL. MOTION CARRIED.

Alderman Witte explained that she feels that the City is following suit with other communities who have objections to the reformed bail and discovery laws. She thinks that the laws are an overreach and an unfunded mandate, and if communities stick together, the State will take notice.

Alderman Crawford explained that it is sad that a massive overall of legislation that affects the entire State was passed.

Alderman Smith explained that he does not normally like to be partisan at Council meetings, but these reforms have pushed him past the limit. He explained that under the new law judges will not be able to set bail for a long list of crimes, and the legislation was passed by a Democrat Assembly and Democrat Senate, and signed by a Democrat Governor. He explained that this is an unfunded mandate that will not only cost communities money, but it also threatens the safety of our families. He hopes that the part does some soul searching and that cooler heads prevail, because this has gone way too far.

RESOLUTION #07-20

PL #NONE

By Alderman Witte, Seconded by Alderman Dougherty

TO REQUEST THAT NEW YORK STATE REPEAL THE CHANGES EFFECTIVE JANUARY 1, 2020 TO CRIMINAL PROCEDURE RULES FOR BAIL, PRETRIAL RELEASE AND THE PROVISION OF DISCOVERY MATERIAL TO CRIMINAL DEFENDANTS

WHEREAS, the newly passed amendments to the New York State law have, effective January 1, 2020, made significant changes to criminal procedure in the areas of bail, pretrial release, and discovery reform; and

WHEREAS, with these new reforms people charged with misdemeanors and nonviolent felonies will in most cases be released without cash bail, pending their trials; and

WHEREAS, with discovery reform, prosecutors will be required to disclose evidence to the defense within 15 days of arraignment for an indictment or criminal charge or issuance of an appearance ticket; and

WHEREAS, the recent bail reform legislation has eliminated a judges' discretion to set bail on a broad range of crimes without at the ame time providing any financial support at all to the many counties that need to immediately enhance their alternatives to incarceration and pre-trial supervision options, and furthermore, implementation has not included providing the local criminal courts with adequate guidance on the very different approaches that will be called for to supervise defendants under the least restrictive method available, as well as providing the time necessary to develop the trust of the courts in employing them; and

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WHEREAS, if successful bail reform is a New York State legislative goal, then the New York State Legislature should fully fund the cost of these changes to address the implementation of a full range of alternatives to incarceration and pre-trial supervision programming necessary to comprehensive bail reform; and

WHEREAS, the short time period between the passage of the amendment to CPL Section 245, and implementation of the Law, has led to not just the New York State Attorney General, but almost every prosecutor's office and Police Department in the State attempting to hire attorneys, paralegals, investigators, and administrative staff, that have criminal law expertise, all at the same time from a limited pool of qualified applicants; and

WHEREAS, even if District Attorneys and Police Departments have been able to get approval of the large budget increases that the new staffing requires, and can identify and hire suitable attorneys, paralegals, investigators, officers and administrative staff, these new employees need to undergo costly training within their new offices as well as with the new bail and discovery requirements; and

WHEREAS, if discovery reform is a New York State legislative goal, then the New York State Legislature should fully fund the cost of the required changes to internal procedures within the District Attorney's Offices and police agencies necessary for the faster processing and management of evidence in criminal cases;

***NOW, THEREFORE, BE IT RESOLVED,** that due to the undue financial burden on the City of Olean as well as other New York State municipalities, District Attorney's Offices and police agencies, that the Common Council of the City of Olean requests that the New York State Legislature repeal changes implemented effective January 1, 2020 to the Criminal Procedure Rules for Bail, Pretrial Release, and the Provision of Discovery Material for Criminal Defendants.*

***BE IT RESOLVED,** further, that copies of this Resolution be provided to the Attorney General Letitia James, Lieutenant Governor Kathy Hochul, Governor Andrew Cuomo, Assemblyman Joseph Giglio and Senator George Borrello.*

ROLL CALL, AYES ALL. MOTION CARRIED.

ADJOURNMENT

Motion to adjourn was made by Alderman Gonzalez, seconded by Alderman Witte. Voice vote, ayes all. Motion carried. Meeting adjourned at approximately 7:10 p.m.

Lens Martial, City Clerk

Mayor William J. Aiello

Paul Gonzalez, Council President

I hereby approve the foregoing minutes

Dated: ___ / ___ / _____

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***COUNTY OF CATTARAUGUS
CITY OF OLEAN***

I, Alexander Utecht, 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