

# **Journal of Proceedings**

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

January 26, 2021

**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 26, 2021 at 6:50 p.m.*

**PRESENT:** *Aldermen Crawford, Witte, Panus, Gonzalez, Dougherty, Robinson, and Anastasia*

**ABSENT:** *None*

**OFFICIALS:** *Mayor William Aiello; Lens Martial, City Clerk; Jack Hart, City Attorney; Fred Saradin, City Auditor; Keri Kerper, Community Development Program Coordinator; Bob Ring, Director of Public Works; Ron Richardson, Police Chief; Tim Richardson, Fire Chief, and Tiffany Taylor, Managerial Confidential Administrative Secretary.*

*At this time a prayer was given by Lens Martial, 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 12, 2021 meeting was made by Alderman Witte, seconded by Alderman Anastasia. Voice vote, ayes all. Motion carried.*

**COMMITTEE REPORTS & UNFINISHED COUNCIL BUSINESS**

*Report from Committee of the Whole on PL #02-21, that the Project Loan Committee recommends that the City subordinate its lien position for Olean Homeownership Assistance Program Application #05-00. Committee recommends approval. Referred to City Attorney for Resolution.*

*Report from Committee of the Whole on PL #03-21, that the Common Council as Lead Agency concludes that the proposed City of Olean Washington Street Waterline Replacement Project is a Type II Action and that after full review of the Environmental Assessment Form determines that the project will have no adverse impact and thus issues a Negative Declaration. Committee recommends approval. Referred to City Attorney for Resolution.*

**COMMUNICATIONS FROM THE MAYOR**

*Mayor Aiello explained that the Police Reform and Reinvention Committee has had six meetings so far, and this week will be the seventh. He explained that the first meeting was one hour and the rest have been 90 minutes. They have discussed a lot of topics, and a lot of information and good ideas have come forward. He explained that in the next few meetings a draft plan will be put together and then after a public comment opportunity a final plan will be submitted to the Common Council for adoption. He explained that after adoption, the plan will be sent to the State, which needs to be done by April 1, 2021. He explained that the Committee has been moving along pretty well through things, and at this Thursday's meeting they will be discussing a better timeline on this and a few other topics. He explained that he will keep the Council informed and he will get the draft plan to the Council as soon as it is done so that the Council has an opportunity to review it and see what the Committee has been doing. He explained that it has been going well and they have a good group of people.*

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## **MISCELLANEOUS COMMUNICATIONS**

*None*

## **CITY OFFICIAL REPORTS**

*Monthly Report of the City Auditor – month ended December 2020*

## **PROPOSED LEGISLATION AND REFERRALS**

*PL #02-21: (Aiello) That the Project Loan Committee recommends that the City subordinate its lien position for Olean Homeownership Assistance Program Application #05-00. Referred to Committee of the Whole Tuesday, January 26, 2021 by Council President.*

*PL #03-21: (Aiello) That the Common Council as Lead Agency concludes that the proposed City of Olean Washington Street Waterline Replacement Project is a Type II Action and that after full review of the Environmental Assessment Form determines that the project will have no adverse impact and thus declares a Negative Declaration. Referred to Committee of the Whole Tuesday, January 26, 2021 by Council President.*

## **PUBLIC COMMENT/INPUT**

*Daniel Gayton of North Union Street thanked the Mayor for his update on the Police Reform Committee. He explained that he watched not the most recent meeting, but the one prior where Alderman Dougherty made a racially insensitive comment that was very disturbing for several people. He explained that he is disappointed in the Council, as they had the ability to address the comment, but there were crickets on the issue. He explained that this tells him that they are not willing to address the issue. He explained that he would like Alderman Dougherty removed from the Police Reform Committee, as it puts the committee in question when a member of the committee makes comments such as the one he made. He explained that you could see the shock on committee members' faces in the video, including Chief Richardson. He doesn't understand how you can get minorities in the community to buy into the Committee when a Committee and Council member makes racially insensitive comments that aren't addressed.*

*Tai Pascucci of 326 ½ North Union Street explained that she wanted to follow up on Mr. Gayton's comments that he took everything that she wanted to say right out of her mouth. She explained that she knows Alderman Dougherty and that she used to work for him. She explained that she always tried to remain neutral because she knows him, and he's always been there to help her out whenever she needed his help. She explained that the most recent comments hurt, and she asked if he thought about people like her. She knows that he has an odd sense of humor, but what he said was insensitive and offensive. It was not appropriate or humorous. She seconds Mr. Gayton's motion to remove Alderman Dougherty from the Police Reform Committee, because his number doesn't reflect the morals that we want to see on that Committee.*

*Alderman Crawford explained that it is a part of the communication that needs to be discussed and what needs to be talked about in the open, what certain people find to be offensive and what we need to recognize as offensive comments in today's culture. He explained that along with the Mayor, the Council has made the commitment to foster inclusive relationships through the City. He explained that he thinks that by informing and educating each other we can go a long way, and he wants all Aldermen and public servants to be aware of what they say and how it can be interpreted. He is glad that this was brought to his attention.*

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## **FINANCE / BILLS**

By Alderman Crawford, Seconded by Alderman Dougherty

*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 \$788,395.18 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 Dougherty. Voice vote, ayes all. Motion carried.*

*A motion to amend the agenda to include Resolution #05-21 was made by Alderman Crawford, seconded by Alderman Witte. Voice vote, ayes all. Motion carried.*

### **RESOLUTION #03-21**

#### **PL #02-21**

By Alderman Witte, Seconded by Alderman Anastasia

**THAT THE PROJECT LOAN COMMITTEE RECOMMENDS THAT THE CITY SUBORDINATE ITS LIEN POSITION FOR OLEAN HOMEOWNERSHIP ASSISTANCE PROGRAM #05-00**

**WHEREAS**, the Department of Community Development received a request from one first-time homebuyer to subordinate the City's lien position with respect to the grant/loan funds provided to the applicant under the Olean Homeownership Assistance Program; and

**WHEREAS**, the City of Olean's Project Loan Committee has received said request and recommends approval of the following application:

*OHAP #05-00;*

**NOW, THEREFORE, BE IT RESOLVED**, that the City of Olean approves the above-identified request and authorizes the Mayor to execute the respective subordination agreement pending the City Attorney's review and approval.

**IT IS FURTHER RESOLVED**, that this Resolution will be effective immediately.

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

### **RESOLUTION #04-21**

#### **PL #03-21**

By Alderman Crawford, Seconded by Alderman Robinson

**THAT THE COMMON COUNCIL AS LEAD AGENCY CONCLUDES THAT THE PROPOSED CITY OF OLEAN WASHINGTON STREET WATERLINE REPLACEMENT PROJECT IS A TYPE II ACTION AND THAT AFTER FULL REVIEW OF THE ENVIRONMENTAL ASSESSMENT FORM DETERMINES THAT THE PROJECT WILL HAVE NO ADVERSE IMPACT AND THUS DECLARES A NEGATIVE DECLARATION**

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*WHEREAS, the City of Olean is desirous of undertaking the second portion of the Washington Street Waterline Replacement Project; and*

*WHEREAS, such project requires SEQR review prior to formal consideration by the Common Council; and*

*WHEREAS, in accordance with 6 NYCRR Part 617.5, subsection (C), the following are representative of the Washington Street Waterline Replacement Project and thus qualifies said project as a Type II Action under SEQRA regulations:*

*617.5 (C.5) Repaving of existing highways not involving the addition of new travel lanes;*

*617.5 (C.6) Street openings and right-of-way openings for purpose of repair or maintenance of existing utility facilities;*

*617.5 (C.13) Extension of utility distribution facilities; including gas, electric, telephone, cable, water and sewer connection to render service in approved subdivisions or in connection with any action on this list; and*

*WHEREAS, the Common Council, in its capacity as Lead Agency, has caused to be prepared an environmental assessment of the significance of a potential environmental impact of the action described above; and*

*WHEREAS, it has been determined through findings of the Environmental Assessment Form that the proposed project will have no significant impact(s) on the environment;*

*NOW, THEREFORE, BE IT RESOLVED, that the City of Olean Common Council declares itself Lead Agency for this project and for the purposes of SEQRA.*

*BE IT FURTHER RESOLVED, that the Common Council, as Lead Agency, concludes that the proposed Washington Street Waterline Replacement Project is a Type II Action and that after full review of the Environmental Assessment Form determines that the project will have no adverse environmental impact and thus issues a Negative Declaration.*

*RESOLVED, that this Resolution is effective immediately.*

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

*Mayor Aiello explained that we will try to take the \$10,000 match out of existing funds or include it in the budget that we are working on now. He explained that if this does not pan out, that he may come to the Council to ask for a transfer out of contingency.*

*Alderman Crawford asked when we will know about the grant award, and Chief Tim Richardson explained that the application will be submitted by February 12, 2021 and that we should probably know by the end of July. He is unsure of the exact timeline due to COVID-19.*

## **RESOLUTION #05-21**

### **PL #NONE**

*By Alderman Robinson, Seconded by Alderman Witte*

#### **TO AUTHORIZE THE MAYOR TO SUBMIT A GRANT APPLICATION TO THE DEPARTMENT OF HOMELAND SECURITY'S FEDERAL EMERGENCY MANAGEMENT AGENCY UNDER THE FISCAL YEAR 2020 ASSISTANCE TO FIREFIGHTERS GRANT PROGRAM FOR FUNDING ASSOCIATED WITH THE REPLACEMENT OF THE FIRE DEPARTMENT'S INVENTORY OF SCBAS**

*WHEREAS, the Department of Homeland Security's Federal Emergency Management Agency has released its Fiscal Year 2020 Assistance to Firefighters Grant Program focusing on enhancing the safety of the public and firefighters with respect to fire and fire-related hazards; and*

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**WHEREAS**, \$319,500,000 has been made available for 2,000 projected awards to eligible fire departments, nonaffiliated emergency medical service (EMS) organizations, and State Fire Training Academies for critical training and equipment; and

**WHEREAS**, the City of Olean Fire Department is seeking to replace its inventory of SCBAs for a total project cost of \$203,000, which requires a 5% local cost share of \$10,150; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Common Council of the City of Olean authorizes the Mayor to submit a Grant Application to the Department of Homeland Security's Federal Emergency Management Agency under the Fiscal Year 2020 Assistance to Firefighters Grant Program for funding associated with the replacement of the Fire Department's Inventory of SCBAs.

**RESOLVED**, that the Common Council authorizes the allocation of the local match as required in the event of a grant award to the City.

**RESOLVED**, that the Mayor is authorized to sign any application, contract, or document in association with the Fiscal Year 2020 Assistance to Firefighter's Grant 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 Gonzalez. Voice vote, ayes all. Motion carried. Meeting adjourned at approximately 7:15 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