

# Journal of Proceedings

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

April 13, 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, April 13, 2021 at 6:55 p.m.*

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

ABSENT: *None*

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

*At this time a prayer was given by Mr. Martial, followed by a salute to the flag.*

**READING, CORRECTING, AND APPROVAL OF THE MINUTES OF THE  
PREVIOUS REGULAR MEETING**

*A motion to approve the minutes of the March 23 2021 Regular Meeting was made by Alderman Crawford, seconded by Alderman Gonzalez. Voice vote, ayes all. Motion carried.*

**COMMITTEE REPORTS & UNFINISHED COUNCIL BUSINESS**

*Report from Finance Committee on PL #11-21, Budget 2021-2022. Committee recommends approval. Referred to City Attorney for Resolution.*

*Report from Public Safety Committee on PL #15-21, to amend the City of Olean Code of Ordinances Section 24-135 to prohibit parking on the east side of Maple Street at its intersection with Root Street. Committee recommends approval. Referred to City Attorney for Resolution.*

*Report from Committee of the Whole on PL #16-21, to authorize the Mayor to enter into an agreement with Vito Sportelli for Professional Services relating to transportation through May 31, 2023. Committee recommends approval. Referred to City Attorney for Resolution.*

*Report from Committee of the Whole on PL #17-21, to amend the water rates, pursuant to Section 27-22, and sewer rates, pursuant to Section 27-167(a) of the City of Olean Code of Ordinances, to raise water rates 2% and sewer rates 1 ½ %. Committee recommends approval. Referred to City Attorney for Resolution.*

**COMMUNICATIONS FROM THE MAYOR**

*Special Proclamation to recognize Fair Housing*

*Special Proclamation for Child Abuse Prevention Month*

**MISCELLANEOUS COMMUNICATIONS**

*None*

**CITY OFFICIAL REPORTS**

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*Monthly Report of the City Auditor – month ended March 2021*

## **PROPOSED LEGISLATION AND REFERRALS**

*PL #16-21: (Aiello) To authorize the Mayor to enter into an agreement with Vito Sportelli for Professional Services relating to transportation through May 31, 2023. Referred to Committee of the Whole Tuesday, April 13, 2021 by Council President.*

*PL #17-21: (Aiello) To amend the water rates pursuant to Section 27-22, and sewer rates, pursuant to Section 27-167(a) of the City of Olean Code of ordinances, to raise water rates 2% and sewer rates 1 ½ %. Referred to Committee of the Whole Tuesday, April 13, 2021 by Council President.*

*PL #18-21: (Gonzalez) To authorize the transfer of \$50,000 from General Fund Contingency to newly created Capital Fund #203 - Franchot Park Entrance Project. Referred to Strategic Planning Committee by Council President.*

## **PUBLIC COMMENT/INPUT**

*Alderman Witte explained that she was out weeding this past weekend in front of Tim Hortons and she had several people ask if it would be possible to install a flashing crossing light. She explained that they have an issue trying to cross there and it seems like this is an intersection that we really need to address. She explained that traffic was horrendous during the three hour time that she was there. She explained that there were people trying to cross that couldn't because cars wouldn't stop for them. Chief Ron Richardson explained that he could have someone monitor there, and that he doesn't believe that there have been any pedestrian accidents there. Alderman Witte explained that people like the flashing lights at the other intersections and that she feels that this is a busy intersection and she would like a flashing beacon there.*

*Adam Gayton of Allegany, New York, and father of Seaira Gayton explained that he would like to know if there were any officers involved in the police shooting besides Jason Baum. He explained that he wants to know if any of the Aldermen have seen the video footage. He explained that he knows that this is an ongoing investigation, but he feels that this information should be public. Alderman Crawford asked if he has gone through the channels of a FOIL request and explained that he could try calling the Mayor's office or the investigating officer with the State Police. Mr. Gayton explained that his daughter's mother went to the State Police and was sent to Batavia for the vehicle, and then sent back to Olean. He explained that the insurance wants to get to the vehicle for their investigation but no one can seem to track it down. He explained that he has worked with Terry Connors as an attorney. Alderman Crawford explained that the Council is hearing his concern, but that he has no knowledge as this is an ongoing investigation. Mr. Gayton explained that as a parent, the longest ride in his life was watching his daughter be Mercy Flighted to Buffalo. He explained that she was a passenger in the car, is 18 years old, graduated from high school early and is a full time student at JCC with a full time job. He explained that it is very disturbing that in a small community, in a residential area that something like this can result in gunfire. He explained that this was not his concern when he moved back here. He knows that we have a lot of things that we have to talk about here, but this is a real issue and if we don't get on the ball the Council is going to lose a lot of interest of the public as well as youth. He explained that we aren't here to throw anyone under the bus, and his family and his daughter just want answers. He explained that he wants this to be publically documented because some things can be swept under the rug and some things can't be. He explained that if a mistake was made, we need to pay the consequences. He explained that an arrest could have happened, but that being gunned down and a car accident should not have. He asked that if the Council isn't in the seat to make a change, then what the hell are they doing in the seat?*

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*Daniel Gayton of 794 North Union Street explained that he had the opportunity to look over the New York State budget and that the Governor threw a lot of money around for brand new businesses and brand new development., he explained that one thing that really struck him is that he did not see Olean in any part of that. He explained that Dunkirk received \$1.5 billion for a pharmaceutical plant. He explained that as an interested citizen, he wants to see businesses grow and business development in Olean, and he wants to know if Olean did anything to try and get the plant that Dunkirk got. He wonders if we were even involved in the conversation. He explained that we need to look into these opportunities for new jobs and new development. He knows that we don't like to compare ourselves to other cities, but if Dunkirk can do it, then we can do it. He explained that he would also like to echo what Adam said, that transparency is a big deal. He explained that transparency was discussed on the Police Reform Committee. He explained that we have been talking about this for a year now and we are still talking about it. He is concerned with the other communities and the amount of money being spent, and we can talk about business development and how to bring businesses to Olean all day long but talking about it isn't going to bring jobs here. He explained that money was out there to be had and he is disappointed that we didn't receive any. He wants to see us have more jobs and more people here. He explained that if Olean just got beat out for the funding, then we need to say so. He can take a loss but he hopes that we are at least in the game and not sitting on the sidelines.*

*Ty Malone explained that he wants to invite everyone to the United Olean rally Saturday the 17<sup>th</sup> to show support for minorities in the community. He explained that there will be speakers and he would like to see everyone show their support. If anyone is interested in speaking, they should let him know. He explained that he wrote an email to the Council that everyone will be getting. He explained that the situation Adam spoke about is a perfect example of why a civilian review board is needed. It would help with transparency and people wouldn't be worried about if we are hiding things or if something is being swept under the rug. He explained that the committee has not met in over a month, and he would like the Mayor to please get on that and get the committee back going so that a civilian review board can be set up for the City.*

## **FINANCE / BILLS**

None

## **RESOLUTIONS**

*A motion to amend Resolution #18-21 to reflect "PL #17-21" was made by Alderman Crawford, seconded by Alderman Anastasia. Voice vote, ayes all. Motion carried.*

### **RESOLUTION #18-21**

#### **PL #17-21**

*By Alderman Crawford, Seconded by Alderman Witte*

**TO AMEND THE WATER RATES, PURSUANT TO SECTION 27-22, AND SEWER RATES, PURSUANT TO SECTION 27-167(A) OF THE CITY OF OLEAN CODE OF ORDINANCES, TO RAISE WATER RATES 2 % AND SEWER RATES 1 ½ %**

**WHEREAS**, the Common Council will adopt the 2021-2022 Budget reflecting an increase of water rates 2% and sewer rates 1 ½ % ; and

**WHEREAS**, a public hearing was held on April 13, 2021 via Zoom at 6:00 p.m. pursuant to Sections 27-22(1) and 27-167(1) of the City of Olean Code of Ordinances; and

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**WHEREAS**, water services provided by the City of Olean shall from time to time in each case be established by the Common Council pursuant to Chapter 27, Article II, Division 1, Section 27-22; and

**WHEREAS**, sewer services provided by the City of Olean shall from time to time in each case be established by the Common Council pursuant to Chapter 27, Article III, Division 5, Section 27-167;

**RESOLVED**, that water services provided within the boundaries of the City, water rates shall be as follows:

Monthly:

## RESIDENTIAL RATES

WATER:

First	2,600 gallons	.00996 dollars per gallon
Next	10,000 gallons	.00811 dollars per gallon
Next	15,000 gallons	.00743 dollars per gallon
Thereafter;		.00667 dollars per gallon

SEWER:

.00967 dollars per gallon

## COMMERCIAL RATES

WATER:

First	2,600 gallons	.00996 dollars per gallon
Next	10,000 gallons	.00916 dollars per gallon
Next	15,000 gallons	.00830 dollars per gallon
Thereafter;		.00667 dollars per gallon

SEWER:

.00967 dollars per gallon

## INDUSTRIAL

WATER:

First	75,000 gallons	.007388 dollars per gallon
Next	150,000 gallons	.006665 dollars per gallon
Next	375,000 gallons	.005055 dollars per gallon
Next	600,000 gallons	.004871 dollars per gallon
Next	6,285,000 gallons	.003990 dollars per gallon
Thereafter;		.003501 dollars per gallon

SEWER:

.00793 dollars per gallon

## RESIDENTIAL RATES OUTSIDE THE CITY

WATER:

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<i>First</i>	<i>2,600 gallons</i>	<i>.01494 dollars per gallon</i>
<i>Next</i>	<i>10,000 gallons</i>	<i>.01217 dollars per gallon</i>
<i>Next</i>	<i>15,000 gallons</i>	<i>.01115 dollars per gallon</i>
<i>Thereafter;</i>		<i>.01001 dollars per gallon</i>

*SEWER:*

*.01451 dollars per gallon*

## COMMERCIAL RATES OUTSIDE THE CITY

*WATER:*

<i>First</i>	<i>2,600 gallons</i>	<i>.01494 dollars per gallon</i>
<i>Next</i>	<i>10,000 gallons</i>	<i>.01374 dollars per gallon</i>
<i>Next</i>	<i>15,000 gallons</i>	<i>.01245 dollars per gallon</i>
<i>Thereafter;</i>		<i>.01001 dollars per gallon</i>

*SEWER:*

*.01451 dollars per gallon*

## INDUSTRIAL RATES OUTSIDE THE CITY

*WATER:*

<i>First</i>	<i>75,000 gallons</i>	<i>.011082 dollars per gallon</i>
<i>Next</i>	<i>150,000 gallons</i>	<i>.009997 dollars per gallon</i>
<i>Next</i>	<i>375,000 gallons</i>	<i>.007583 dollars per gallon</i>
<i>Next</i>	<i>600,000 gallons</i>	<i>.007307 dollars per gallon</i>
<i>Next</i>	<i>6,285,000 gallons</i>	<i>.005985 dollars per gallon</i>
<i>Thereafter;</i>		<i>.005252 dollars per gallon</i>

*SEWER:*

*.01190 dollars per gallon*

***IT IS FURTHER RESOLVED***, that the water rates and sewer rates set forth above shall take effect May 1, 2021 and will be reflected in the billing sent out beginning July 1, 2021.

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

*Alderman Crawford explained that as we come to the close of another budget season, he would like to thank the Mayor and Department Heads for all of their hard work. He explained that he knows and understands all of the effort that they put into it, and he appreciates all of the feedback from the Aldermen on the budget. He really thinks that we all collaborated well and put the City in the best position possible. Mayor Aiello explained that he would like to echo those sentiments. He explained that he thinks that the budget is very accurate, and everyone worked really hard on it and he appreciates it.*

## RESOLUTION #19-21

### PL #11-21

*By Alderman Witte, Seconded by Alderman Crawford*

***BUDGET 2021-2022***

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**RESOLVED**, that the 2021-2022 Budget as submitted be accepted and that the total amount of said budget be reduced in writing and entered on the minutes of the proceedings of this meeting, to wit: The total Budget for the fiscal year 2021-2022 shall be **\$28,754,846** inclusive of the **General, Water, Sewer, and Debt Service Funds**, subject to legal opinion.

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

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

## **RESOLUTION #20-21**

### **PL #16-21**

By Alderman Witte, Seconded by Alderman Anastasia

**TO AUTHORIZE THE MAYOR TO ENTER INTO AN AGREEMENT WITH VITO SPORTELLI FOR PROFESSIONAL SERVICES RELATING TO TRANSPORTATION THROUGH MAY 31, 2023**

**WHEREAS**, the City of Olean Department of Community Development desires to employ Vito Sportelli as an independent contractor for the provision of certain grant application, administration and planning services associated with the development and administration of the Olean Area Transit System (OATS); and

**WHEREAS**, the aforementioned services to be provided by Vito Sportelli shall be included within the annual OATS project budget of revenues and expenditures, beginning June 1<sup>st</sup>; and

**WHEREAS**, the expenditures associated with the OATS project budget are reimbursed by a combination of Federal and New York State grant resources, as well as financial contributions from local organizations to support the continued operation of the Olean Area Transit System;

**NOW, THEREFORE, BE IT RESOLVED**, that the Common Council authorizes the Mayor to enter into an agreement with Vito Sportelli for Professional Services relating to transportation through May 31, 2023.

**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 Anastasia. Voice vote, ayes all. Motion carried. Meeting adjourned at approximately 7:30 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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**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*