

Journal of Proceedings

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

April 27, 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 27, 2021 at 7:05 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; Tim Richardson, Fire Chief; Ron Richardson, Police 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 April 13, 2021 meeting was made by Alderman Crawford, seconded by Alderman Gonzalez. Voice vote, ayes all. Motion carried.

COMMITTEE REPORTS & UNFINISHED COUNCIL BUSINESS

Report from Strategic Planning Committee on PL #18-21, to authorize the transfer of \$50,000 from General Fund Contingency to newly created Capital Fund #203 – Franchot Park Entrance. Committee recommends approval. Referred to City Attorney for Resolution.

Report from Committee of the Whole on PL #19-21, to authorize the Mayor to execute an agreement between the City of Olean and the County of Cattaraugus for mosquito spraying services. Committee recommends approval. Referred to City Attorney for Resolution.

COMMUNICATIONS FROM THE MAYOR

Mayor Aiello explained that he sent out a press release that indicated that the City will start having the Front Street lot open once a month for yard waste on the second Saturday of the month. He explained that Casella also picks up yard waste on the fourth Wednesday of the month. The lot will be open from 10 a.m. to 2 p.m. and that with the County now charging for yard waste he thought that we should open the lot for the convenience of City residents. He explained that there will be no limit to yard waste at this time but we will start keeping track of who is coming and then we will reevaluate this. He explained that we are trusting City residents to bring their own yard waste, and we will track what is going on and reevaluate if necessary.

Special Proclamation to Recognize Arbor Day

MISCELLANEOUS COMMUNICATIONS

None

CITY OFFICIAL REPORTS

None

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PROPOSED LEGISLATION AND REFERRALS

PL #19-21: (Aiello) To authorize the Mayor to execute an agreement between the City of Olean and the County of Cattaraugus for mosquito spraying services, Referred to Committee of the Whole Tuesday, April 27, 2021 by Council President.

PUBLIC COMMENT/INPUT

Alderman Witte explained that she wanted to give a shout out to the beautification committee. She explained that she had a great time with them this past weekend, and they weed every weekend uptown. She explained that the barrels will be going out downtown soon and there are some hanging baskets coming. She wants to thank them for doing such a great job. Alderman Panus agreed and explained that last year uptown looked a little rough but it is looking better. He explained that we need to show that our City is beautiful, and he appreciates what these folks do. Mayor Aiello explained that Lila Ervay was a long time litter control coordinator, but she will not be continuing in this role. He explained that she has done a wonderful job and she has been picking up litter around the City for 24 years.

Gary Harvey of 408 East State Street Floor 2 thanked that Council for streaming meetings live. He explained that this is something that was brought up by the Equity and Inclusion Committee but the Council has only gone halfway, and does not allow those who are not present to participate in Public Comment, He explained that the Council says that it isn't possible, but earlier in the evening there was a Zoom presentation in the middle of a meeting. He explained that there are individuals who can't attend due to physical disabilities. The Council wants them to play in our parks, but doesn't want them to attend meetings. We have the ability to give people a voice if we truly want that. He explained that last week the mayor made a statement that it is his job to protect the City, and if he is limiting the voice of the people he is truly not protecting the City. He thanked the Fire Chief because he will be presenting line by line what a bill is for rather than saying it's "because he said so". He explained that there are several in leadership that aren't okay with that answer anymore. He explained that this need to be about people and not personal agendas, and at the end of the day it comes down to transparency and giving people a voice,

Dan Gayton of 794 North Union Street agreed that meetings should be made available to people who cannot show up. He explained that he has learned some things about the car chase and shooting, and will share them since the Police Department doesn't seem to want to be transparent with the public. He explained that he had the ability to view some photos from the insurance company. He explained that there were seven shots down the passenger side of the car at a low angle where clearly the officer was trying to disable the car. He explained that there were two shots on the driver's side three inches from the window. He explained that there were either two shooters or one person firing at two separate times. He explained that the family does not have answers to their questions, He took the advice of the Council and he and his family members contacted the Mayor, who did not respond. He asked if the Council has paid attention to what is going on in South Carolina and explained that it is about to happen in Olean. He explained that he has prepared emails for the Attorney General and FBI that he is prepared to send if he and his family do not hear what happened that night. He explained that no ones' lives were in danger and two shots at the window were clearly meant to do damage. He questioned if the accident would have happened if the tires weren't shot out, and explained that we don't know because we have not seen the video of the accident. He explained that the longer that this goes on, the worse it looks. He explained that the worst part of it is that we have a bunch of good young officers, and these were just a couple of teenagers that made a mistake that luckily did not end their lives. He explained that we have to do the right thing and not stand behind the Union or the investigation, and we need to stop standing behind the argument that the

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driver tried to hit an officer with the car because the shots were fired on the side of the car, not the front. He thinks that the Police Department put the community in more danger than the driver of the vehicle did. He explained that the more and more evidence that comes out, the more and more guilty that the City looks. He asked that the City show where the officers' lives were in danger and where they had to fire their weapons, and he feels that the City is not showing us because it does not exist. He explained that the passenger in the car's brothers have been pulled over twice since this happened, and the police have sat by her father's house. He asked if the family has been through enough yet, and asked the Council if they have no justice or sympathy. He explained that we are headed down the wrong road with this one.

Ty Malone explained that he wants to echo what everyone has said. He explained that his daughter is 16 and learning how to drive, and she is scared to drive because she doesn't know what is going to happen. As a parent, he is asking how the Council expects him to deal with that. She is afraid to get in the car because she doesn't know what is going to happen. He explained that they are bad guys because they are asking questions that the Council is supposed to ask, but they are not asking. He explained that other communities get transparency and here in Olean we don't. Our community is told that this is under investigation. This was supposed to be the reason that officers wore body cameras, so the community doesn't have to hear the he said – she said. He explained that the State Police were given the case but the truth is the video footage should have been shown and should be shown. The City set the narrative by saying that the girls tried to hit the officers, and if this is true we need to show it. Even people who want to believe that everything is justifiable want to know why the City is not showing the footage. He explained that if things that aren't true are being said about the City, why won't we show the video? This is a public safety issue, and if there is nothing that the City can do for a public safety issue what can the City do for the public? The process has failed in every way and a child was shot at with no explanation. People on the Police Reform Committee have tried to explain that everyone knows the system is broken, and now we see a lack of will in leadership to fix it. He asked how this is representation, and if the Council only represents some in the community. We need a Civilian review Board which would address the public safety issue. This could have been any one of their kids. He is asking the Council to implement a Civilian Review Board as soon as possible and explained that we need something with teeth.

Mickey George of Ward 3 explained that it seems very clear that there is still disconnect in the community. He explained that he initially asked for the town hall forums to address the disconnect and he has been let down. He expressed his condolences to Dan Gayton and his family for what has happened and explained that he doesn't know what can be done to rectify the bad feelings. He explained that the Police Reform Committee has had its share of challenges and he would like to remain hopeful that progress will be made. He asked if anyone is paying attention to the statistics or the facts, and feels "nobody's talking about any of that (expletive)." He explained that it is no secret that the Union will push back against everything. When it comes to negotiating the community will push for things that hold public officials more accountable. The New York State Police tried to put together a reform plan and the Legislature said "get that (expletive) out of here." He is sick of hearing things that indicate we are trying to stop progress from either side. He explained that the Council can't be this insensitive. There was just a rally held against insensitivity. When people are emotional and you can see it and hear it that is when you should pay attention the most. He feels that the shooting is disgusting. For anyone in the community who says we don't need substantiate change, he says "how (expletive) dare you."

FINANCE / BILLS

By Alderman Witte, Seconded by Alderman Barnard

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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 \$983,742.00 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

Alderman Crawford explained that he values public comment and he values the heart and passion in our community. He believes that it is part of the Council's job to listen to the community. He also believes in holding this forum in a mutually respectful way. He would like to invite any and all people who would like to contact the Council to reach out via phone and email, and the information is all on the City website. Going forward he asks to please keep the language used respectful. He explained that disrespectful language is uncalled for in this chamber. The public has the ability to describe their feelings, anger, and emotions without having to use profane and distasteful language.

RESOLUTION #21-21

PL #15-21

By Alderman Anastasia, Seconded by Alderman Witte

TO AMEND THE CITY OF OLEAN CODE OF ORDINANCES SECTION 24-135 TO PROHIBIT PARKING ON THE EAST SIDE OF MAPLE STREET FOR A DISTANCE OF 90 FEET FROM THE CURBLINE OF ROOT STREET

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

Street	Side	Extent
Maple Street	East	90 feet from the curbline of Root Street

RESOLVED, that this Resolution is hereby effective immediately.

ROLL CALL, AYES ALL. MOTION CARRIED.

Alderman Gonzalez explained that he has received phone calls from people and there is overwhelmingly positive feedback with the caveat that the space be more green space with a walking entrance and less paved and parking area. He thinks that this is an exciting project that we could really do nicely and he appreciates everyone's support.

RESOLUTION #22-21

PL #18-21

By Alderman Gonzalez, Seconded by Alderman Crawford

RESOLUTION AUTHORIZING THE TRANSFER OF FUNDS FROM GENERAL FUND CONTINGENCY TO NEWLY CREATED CAPITAL FUND #203 – FRANCHOT PARK ENTRANCE PROJECT

RESOLVED, that the following transfer be authorized:

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<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>\$50,000</i>	
<i>Capital Fund #103</i>	<i>Franchot Park Entrance Project</i>		<i>\$50,000</i>

BE IT FURTHER RESOLVED, that this Resolution is effective immediately.
ROLL CALL, AYES ALL. MOTION CARRIED.

RESOLUTION #23-21

PL #19-21

By Alderman Anastasia, Seconded by Alderman Gonzalez

TO AUTHORIZE THE MAYOR TO ENTER INTO A CONTRACT BETWEEN THE COUNTY OF CATTARAUGUS AND THE CITY OF OLEAN FOR MOSQUITO SPRAYING SERVICES FOR THE TERM MAY 1, 2021 THROUGH DECEMBER 31, 2021

WHEREAS, the County of Cattaraugus and the City of Olean have historically entered a contract to spray for mosquitoes; and

WHEREAS, the contract is beneficial to the City because of the health risks that mosquitoes may cause;

BE IT RESOLVED, that the Mayor is authorized to enter into and execute a contract between the County of Cattaraugus and the City of Olean for mosquito spraying services for the term May 1, 2021 through December 31, 2021.

RESOLVED, that this Resolution is effective immediately.
ROLL CALL, AYES ALL. MOTION CARRIED.

EXECUTIVE SESSION

A motion to enter into executive session to discuss a personnel issue was made by Alderman Crawford, seconded by Alderman Robinson. Voice vote, ayes all. Motion carried. Executive session began at approximately 7:45 p.m.

A motion to adjourn from executive session was made by Alderman Crawford, seconded by Alderman Gonzalez. Voice vote, ayes all. Motion carried. Executive session adjourned at approximately 8:10 p.m.

ADJOURNMENT

Motion to adjourn was made by Alderman Crawford, seconded by Alderman Robinson. Voice vote, ayes all. Motion carried. Meeting adjourned at approximately 8:10 p.m.

Lens Martial, City Clerk

Mayor William J. Aiello

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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