

# Journal of Proceedings

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

May 11, 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, May 11, 2021 at 7:25 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; Bob Ring, Director of Public Works; Brad Camp, Water and Sewer Superintendent; Tim Richardson, Fire 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 April 27 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 Committee of the Whole on PL #20-21, to authorize the Mayor to execute a Third Party Operator Agreement for the Olean Area Transit System (OATS) extending the existing contract between the City and First Transit, Inc. Committee recommends approval. Referred to City Attorney for Resolution.*

*Report from Committee of the Whole on PL #21-21, to authorize the transfer of \$50,000 from General Fund Contingency to newly created Capital Fund #204 for Inclusive Playground Equipment. Committee recommends approval. Referred to City Attorney for Resolution.*

*Report from Committee of the Whole on PL #23-21, to amend the tax rate in the 2021-2022 budget to \$15.12 per \$1,000 of assessed valuation. Committee recommends approval. Referred to City Attorney for Resolution.*

*Report from Committee of the Whole on PL #24-21, to amend Chapter 27, Article II of the City of Olean Code of Ordinances and to update the Water / Sewer Infrastructure and Billing Policy. Committee recommends approval. Referred to City Attorney for Resolution.*

*Report from Committee of the Whole on PL #25-21, to award the construction portion of the Pedestrian Safety Action Plan Project to Lakeshore Paving, Inc. in the amount of \$233,370.49. Committee recommends approval. Referred to City Attorney for Resolution.*

**COMMUNICATIONS FROM THE MAYOR**

*Retirement – Lee Witruke, effective June 2, 2021 – 33 year, 4 month member of the Olean Fire Department*

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*Special Proclamation to recognize Fair Housing*

*Special Proclamation for Child Abuse Prevention Month*

## **MISCELLANEOUS COMMUNICATIONS**

*Application for a Liquor License – Ellman Management Company LLC dba Granny Verona’s – 659 East State Street, Olean*

*Application for a Liquor License – HK Olean Hotel, LLC (Hampton Inn & Suites Olean) – 110 Jack Murphy Boulevard, Olean*

## **CITY OFFICIAL REPORTS**

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

### **PROPOSED LEGISLATION AND REFERRALS**

*PL #20-21: (Aiello) To authorize the Mayor to execute a Third Party Operator Agreement for the Olean Area Transit System (OATS) extending the existing contract between the City and First Transit Inc. Referred to Committee of the Whole Tuesday, May 11, 2021 by Council President.*

*PL #21-21: (Crawford) To authorize the transfer of \$50,000 from General Fund Contingency to newly created Capital Fund #204 for Inclusive Playground Equipment. Referred to Committee of the Whole Tuesday, May 11, 2021 by Council President.*

*PL #22-21: (Crawford) To authorize the Mayor to execute a Memorandum of Understanding with Bird Rides, Inc. for stand-up electric scooter sharing systems within the City of Olean. Referred to Committee of the Whole Tuesday, May 25, 2021 by Council President.*

*PL #23-21: (Aiello) To amend the tax rate in the 2021-2022 budget to \$15.12 per \$1,000 of assessed valuation. Referred to Committee of the Whole Tuesday, May 11, 2021 by Council President.*

*PL #24-21: (Aiello) To amend Chapter 27, Article II of the City of Olean Code of Ordinances and to update the Water / Sewer Infrastructure and Billing Policy. Referred to Committee of the Whole Tuesday, May 11, 2021 by Council President.*

*PL #25-21: (Aiello) To award the construction portion of the Pedestrian Safety Action Plan Project to Lakeshore Paving, Inc. in the amount of \$233,370.49. Referred to Committee of the Whole Tuesday, May 11, 2021 by Council President.*

### **PUBLIC COMMENT/INPUT**

*Alderman Witte explained that she would like to encourage everyone to check out the new hotel. She explained that she had a girl’s night there, and the rooms are beautiful and the pool is great. She also explained that she would like the family and friends of the young man who is missing to know that he is on her mind,*

*Alderman Crawford explained that tonight is the first night that we have moved to using the Boxcast automated closed captioning system. He explained that instead of having interpreters only every two weeks that this will allow the hearing impaired to tune in every week to see what is going on. He explained that since tonight is the first night there may be bugs to work out, and we will be working to get this on the City’s website.*

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*Daniel Gayton of 794 North Union Street thanked the Council for what they are doing with parks, and explained that he appreciates the disability equipment in the parks. He hopes that it goes into Franchot Park. He explained that he did speak with the people in the area and they do like the idea of the new entrance but not the idea of replacing the pool with a splash pad. He explained that Mayor Aiello still has not met with him regarding the shooting, and he feels that what he said two weeks ago did not hit home with anyone. He explained that the girl driving the car was not charged by a Grand Jury with anything that has to do with her trying to hit someone with a police car and she was only charged with a minor traffic violation. He explained that things are not adding up. He explained that there is a lot of frustration and everyone is quiet and saying nothing. Everywhere else in the country people are speaking when things like this happen and the City seems to be the only place taking this stance. He explained that if we are saying that the driver did something wrong then we need to show the tape that she did in fact do something wrong. He explained that if this was Alderman Gonzalez, Witte, Crawford, or Robinson's child that it would be different and it would have been over with and done by now. He explained that this is where we get into issues, because it's all about who you are. He explained that it is not right and it is not fair. He explained that he is not standing up saying that someone is innocent or guilty but he is saying is that the evidence doesn't match what is being said. He explained that showing the family the tape will not compromise the investigation. He explained that the Council was elected to serve the people, but how can he trust the Council and look them in the face and say they have his back? He explained that when it hits the fan like it just hit the fan, no one has anyone's back. He explained that he is just telling them what he sees.*

*Gary Harvey of 408 East State Street Floor 2 thanked the Council for the streaming of the meetings but noted that he didn't see anything on the City website or Facebook about it. He explained that he feels that this is needed for transparency. He explained that he has noticed in meetings that Department Heads will be asked a question and they will stumble and stutter, and they don't have the basic information and seem to look to the Mayor to see if they can disclose an answer. He explained that he wonders if we really know what is going on or if we are just shuffling and playing with money. He explained that last week some Aldermen were asking questions and that is good because sitting in that seat and saying yes to everything is not fiscal responsibility. He explained that last week a Department Head came to a meeting to talk about drastic changes in what the department does and he did not have his information together. It would be naïve to think that they can answer every question on the spot but there are basic things that should be known. If the Council has to decide what program to use and the only one presented has a \$40,000 cost and is \$20,000 a year after that, then you didn't do your research, you just checked the box. He asked why it is okay to say "around \$2 million" without having exact figures. He explained that only Alderman Robinson went back and said "how about XYZ" and it is just status quo otherwise. He doesn't understand this lackluster approach. He explained that when people watch these meetings and don't know about the emails going back and forth before the meeting it gets frustrating for the public. He explained that in regards to the camera footage from the shooting, it's not going to change just because it is shown. He doesn't know if the officer was in the right or wrong but either way the footage won't change.*

*Victoria Swier of 326 South Union Street asked about the mask policy and explained that she would like to know the overall rules because she doesn't know why it is not addressed when one single Alderman comes to the meetings with no mask. She explained that as someone that lives on Green Street, she sees that South Union Street is a prime spot when people are coming in from PA or going out to PA, and there is horrible motorcycle traffic. She suggests that an officer be placed down there, possibly by Franchot, so they can look for motorcycles that are revving uncontrollably. She explained that she also read through the noise ordinance that was oddly out of date and included the regulations for "monitoring your Victrola". She is not sure why this is in there, and if the Council put energy and effort into this, where in the world is*

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*policing and accountability of cars that drive around Olean that have such loud music that it shakes the windows of homes and businesses. She explained that there is a gentleman in a black SUV with the radio constantly blaring, and he turns it down when he sees a police officer. She asked why nothing was done in this legislation about sound when it come sot cars. She explained that something has to be done. She explained that there is a movement happening around the world where citizens want immediate action and they are getting it. She explained that when a crisis happens, by the next day video evidence is released. People and officers know that when they do something wrong they will be in trouble because it is all on camera. She explained that in Olean there is public outcry and people are pleading for answers. She explained that it is awkward begging and asking and hoping that people are listening, and it is disappointing that we are not getting anywhere with this town.*

*Sarah Keenan of 517 North 1<sup>st</sup> Street explained that she appreciates the full attention of the Council when she is speaking. She explained that in terms of Sierra Gayton, she agrees that the video evidence won't change anything in terms of who is charged if it is released and it would just give the family and the public transparency that they do not have now. She explained that transparency is all that they are asking for. She wonders if the videos are not released because the City doesn't want the public to know what was done. She explained that her high school government class did better going through the process of an objective, procedure, and finishing than the Police Review Board is. She explained that she knows that the City is paying for Zoom and when the meetings were held via Zoom she did not have to take off of work to be here to comment. She explained that she could still participate in the community without having to find transportation and taking off of work. She asked that the Council really consider opening the meetings up for Public Comment via Zoom. She explained that she also recommends that the Council take a high school student and a JCC student to act as advisors to the Council once a month. She explained that it would be good to get younger people here and involved, She also does not feel that the City should be playing around with finances,. There needs to be a better strategy to come up with numbers so ranges are not so large. She explained that we are economically conservative in this area and do not want to play with those numbers. She explained that she is excited about scooters and explained that the public will have to know the rules, who is enforcing them, where they can be ridden and who is going to protect them. She explained that she thinks they will be used by St. Bonaventure Students.*

*Alderman Crawford explained that at any time anyone can pick up the phone and call or email their Alderman. He explained that he is very responsive to email, and he has met with constituents over coffee. He explained that if someone wants to talk about something and they won't be able to get there for a meeting that he will always listen. He knows people work night shifts and just because you can't attend meetings during this time slot does not mean you can't participate in government. He explained that in terms of discussing finances, this is meant to be a work session, and exact numbers do get sent to the Aldermen before they vote on anything. He wants to clarify that they are not just throwing something at a wall to see what sticks.*

## **FINANCE / BILLS**

None

## **RESOLUTIONS**

### **RESOLUTION #24-21**

### **PL #20-21**

By Alderman Witte, Seconded by Alderman Gonzalez

**RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A THIRD PARTY OPERATOR AGREEMENT FOR THE OLEAN AREA TRANSIT SYSTEM (OATS) EXTENDING THE EXISTING CONTRACT BETWEEN THE CITY OF OLEAN AND FIRST TRANSIT, INC.**

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**WHEREAS**, in December 2019, the City solicited proposals to continue the public transportation service known as the OATS through a formal Request for Proposals procurement process for services for the period 06/01/2020 – 05/31/2021 with an option to renew for up to three one year extensions; and

**WHEREAS**, after recommendations by City staff on March 24, 2020 the Common Council via Resolution #21-20 authorized the Mayor to execute a Third Party Operator Agreement with First Transit, Inc. for the operation of the OATS; and

**WHEREAS**, said Resolution states that the Mayor will not be authorized to approve an extension of the contract without prior Council approval; and

**WHEREAS**, First Transit, Inc. has provided the required and necessary public transportation service as outlined in the City's original procurement process;

**NOW, THEREFORE, BE IT RESOLVED**, that the Common Council authorizes the Mayor to execute a Third Party Operator Agreement exercising the one year option extending the existing contract between the City of Olean and First Transit, Inc. for the period 06/01/2021 – 05/31/2022.

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

## **RESOLUTION #25-21**

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

By Alderman Crawford, Seconded by Alderman Anastasia

#### **RESOLUTION AUTHORIZING THE TRANSFER OF FUNDS FROM GENERAL FUND CONTINGENCY TO NEWLY CREATED CAPITAL FUND #204 – INCLUSIVE PLAYGROUND EQUIPMENT**

**RESOLVED**, that the following transfer be authorized:

<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 #204</i>	<i>Inclusive Playground Equipment</i>		<i>\$50,000</i>

**BE IT FURTHER RESOLVED**, in accordance with Resolution #09-10, that all expenditures from this Capital Fund shall require prior Council approval.

**RESOLVED**, that this Resolution is effective immediately.

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

## **RESOLUTION #27-21**

### **PL #23-21**

By Alderman Witte, Seconded by Alderman Panus

#### **TO AMEND THE TAX RATE IN THE 2021-2022 BUDGET TO \$15.12 PER \$1,000 OF ASSESSED VALUATION**

**RESOLVED**, that the tax rate in the 2021-2022 budget is amended to \$15.12 per \$1,000.

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**RESOLVED**, that this Resolution shall take effect immediately.  
**ROLL CALL, AYES ALL. MOTION CARRIED.**

## **RESOLUTION #29-21**

### **PL #25-21**

By Alderman Witte, Seconded by Alderman Gonzalez

#### **TO AWARD THE CONSTRUCTION PORTION OF THE PEDESTRIAN SAFETY ACTION PLAN PROJECT TO LAKESHORE PAVING, INC. IN THE AMOUNT OF \$233,370.49**

**WHEREAS**, the Olean Common Council approved Resolution #15-21 on March 23, 2021 which authorized the City of Olean to enter into a grant agreement with the New York State Department of Transportation for the Construction and Construction Inspection phase of the Pedestrian Safety Action Plan Project; and

**WHEREAS**, the City of Olean Department of Public Works has received and reviewed bids for the Construction and Construction Inspection phase of the Project and recommends that the phase be awarded to Lakeshore Paving, Inc.;

**BE IT RESOLVED**, that the Common Council hereby authorizes the award of the Construction and Construction Inspection phase of the Pedestrian Safety Action Plan Project to Lakeshore Paving, Inc. in an amount not to exceed \$233,370.49.

**RESOLVED**, that the Mayor is hereby authorized to execute any and all necessary contracts, agreements and documents in association with the award of the Construction and Construction Inspection phase of the Project.

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

### ***ADJOURNMENT***

*Alderman Crawford explained that he has asked the Mayor and Mr. Hart to review the Scooter Program Agreement and legal language of the project, and they will update the Council next week.*

*Motion to adjourn was made by Alderman Crawford, seconded by Alderman Gonzalez. Voice vote, ayes all. Motion carried. Meeting adjourned at approximately 8:10 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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## ***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*