

Journal of Proceedings

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

May 25, 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 25, 2021 at 7:00 p.m.

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

ABSENT: *None*

OFFICIALS: *Mayor William Aiello; Lens Martial, City Clerk; Jack Hart, City Attorney; Fred Saradin, City Auditor; 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 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 May 11, 2021 meeting was made by Alderman Crawford, seconded by Alderman Robinson. Voice vote, ayes all. Motion carried.

COMMITTEE REPORTS & UNFINISHED COUNCIL BUSINESS

Report from Committee of the Whole on PL #22-21, 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. Committee recommends approval. Referred to City Attorney for Resolution.

Report from Committee of the Whole on PL #31-21, to confirm the Mayoral appointment of Joshua Miller to the Board of Assessment Review for the term 10/01/2020 through 09/30/2025. Committee recommends approval. Referred to City Attorney for Resolution.

Report from Committee of the Whole on PL #33-21, to authorize the transfer of \$10,584 from line item 5111.301 and \$5,250 from line item 5111.302 to Capital Fund #185, Tree Program. Committee recommends approval. Referred to City Attorney for Resolution.

COMMUNICATIONS FROM THE MAYOR

None

MISCELLANEOUS COMMUNICATIONS

None

CITY OFFICIAL REPORTS

None

PROPOSED LEGISLATION AND REFERRALS

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PL #26-21: (Aiello) To transfer \$25,000 from line item 5142.412 to newly created Capital Fund #211 – Salt Shed. Referred to Regular Meeting Tuesday, May 25, 2021 for Resolution by Council President.

PL #27-21: (Aiello) To authorize transfers from General Fund Contingency to line item 3650.447 for costs associated with the stabilization of 117 North Union Street (\$22,000) and Capital Fund #150 for the Sidewalk Program (\$29,182). Referred to Regular Meeting Tuesday, May 25, 2021 for Resolution by Council President.

PL #28-21: (Aiello) To transfer funding from General Fund Balance to newly created Capital Funds #205 – Fire Station Generator (\$36,000), #206 – Restriping City Streets (\$90,000), #207 – Street Brickwork (\$100,000), #208 – South Union Street Gateway (\$150,000), #209 – Central Fire Station HVAC (\$50,000), and #210 – Recreation Center Digital Sign (\$25,000). Referred to Regular Meeting Tuesday, May 25, 2021 for Resolution by Council President.

PL #29-21: (Aiello) To authorize the transfer of \$546,000 from Sewer Fund Balance to Vehicle Replacement Fund – Capital Fund #102 for costs associated with the purchase of a street sweeper (\$109,000), a vacuum truck (\$390,000), and a loader (\$47,000), and \$47,000 from Water Fund Balance to Capital Fund #102 for costs associated with the purchase of a loader. Referred to Regular Meeting Tuesday, May 25, 2021 for Resolution by Council President.

PL #30-21: (Aiello) To authorize the transfer of \$24,554.13 from line item 1620.444, Building Repairs, to line item 3410.444, Fire – Repairs to Equipment, to cover costs associated with construction at Central Fire Station. Referred to Regular Meeting Tuesday, May 25, 2021 for Resolution by Council President.

PL #31-21: (Aiello) To confirm the Mayoral Appointment of Joshua Miller to the Board of Assessment Review for the term 10/01/2020 through 09/30/2025. Referred to Committee of the Whole Tuesday, May 25, 2021 by Council President.

PL #32-21: (Aiello) To authorize the transfer of \$50,000 from Water Fund Contingency to newly created Capital Fund #212, Hydraulic Mapping. Referred to Regular Meeting Tuesday, May 25, 2021 for Resolution by Council President.

PL #33-21: (Aiello) To authorize the transfer of \$10,584 from line item 5111.301 and \$5,250 from line item 5111.302 to Capital Fund #185, Tree Program. Referred to Committee of the Whole Tuesday, May 25, 2021 by Council President.

PUBLIC COMMENT/INPUT

Alderman Witte explained that she took a drive to Gargoyle Park to check out the disc golf and explained that the road is pretty rough. Mr. Ring explained that a couple of processes have been done on that road within the past few months. He explained that the road was zippered and started falling apart so the town graded it. He explained that it is a long stretch and a really big road. We are trying to prioritize, and get it paved and resurfaced to last a long time. Alderman Witte asked if part of the road belongs to the Town of Allegany, and Mr. Ring explained that we own the roadway all the way to the levee. Alderman Witte asked if we could fix the potholes on the road, and Mr. Ring explained that we can. He explained that we are prioritizing streets that are major routes first, but we are trying to get down there. Alderman Witte explained that disc golf is a great activity for young people, but the road is pretty rough.

Alderman Crawford explained that a friend of his, JR Bennion, asked whether or not the City provides washing of our streets and sidewalks. He explained that he saw it in

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another community and thought that it was a great idea. He explained that the Fire Department eliminated the parking on the main thoroughway and went down to hose down the sidewalk and street on the main business district. Mayor Aiello explained that we really do not do this, and that a lot of the communities that do, have a volunteer Fire Department that does this. Alderman Crawford explained that we have a street sweeper, and wonders if we have a way to clean sidewalks. Mayor Aiello explained that he would look into that. He is running through his mind obstructions that would make this difficult. Alderman Crawford explained that this is an idea for the future before we put down mulch.

Jean Morgan of Fall Road thanked the Council for being in their positions and for doing so much for the City, and explained that she appreciates it. She explained that on June 13, 2021 there was a Zoom meeting for the residents at 1718 West Fall Road. She explained that she received a notice of the meeting a couple of weeks prior to the meeting, and a week prior to receiving notice lumber was delivered to the neighbor and a line was set in the front yard. She explained that the notice explained that a variance was requested for a six foot privacy fence in the front yard, and that the front yard is 300 feet in length. She explained that a lot of the street consists of historic homes from 1915 and 1920, and this fence changes the characteristics of the neighborhood. She explained that she expected to go into the meeting and find the Zoning Board members neutral and impartial, but only two members seemed concerned and asked questions. She explained that it was very apparent of how biased most of the members were. She explained that she was muted when she tried to talk about a pending lawsuit and why she felt that this was a spite fence, and she heard Charlotte Hardy tell the resident that she is sorry that she has such spiteful neighbors. She explained that at no time was her voice raised, and she was not using foul language or even being irate. She explained that the fact that she was muted and could not even talk was very distressing. Many neighbors have lived on the street for over 30 years, and it is unusual for a house in that neighborhood to come up for sale. She explained that exit 25 of I86 parallels their street and half of the resident's yard is bordered by a chain link fence that is state owned. The pool and back yard can clearly be seen from the exit, yet the residents want privacy in their front yard. She explained that with the elevation of her house she can still see their porch, so this is not about privacy. She explained that she would like a copy of the recorded meeting because this will not end here today. She explained that she is here requesting that since she works for Code Enforcement there was obviously something that went on with her and the members of the Board of Appeal, or at least that is what it felt like given the hostility she felt. She explained that she would like her Alderman to put through a bill to require that a different Board of Appeals hear this, since the resident works for the City. She explained that she has pictures to show that there is no privacy in the back or side yards. She also has asked that a neighbor who was told that this was a done deal a week before the meeting came up sign an affidavit that the resident told her this, and it is obvious this was true since the variance was granted. She explained that if the Council doesn't have the ability to make this null and void that she will be going for an Article 78.

Carolyn Shields of Fall Road explained that she lives directly across the street from the residents at 1718 West Fall Road. She thanked the Council for their work on the Common Council, and explained that she is concerned about the operation of the appeals board. She explained that she does not think that the neighbors got a fair shake. She explained that Mr. Enright explained that he could look outside and see fences that looked high, and she looked in his neighborhood and could not. She explained that this was a done deal before the Zoom meeting was even logged into. She explained that Mr. Bloom asked questions about what would be acceptable. The residents are using rough cut lumber which does not age well and looks old and rickety. She explained that it does not block her vision into their upper windows or their porch, so this is not a privacy fence. She explained that she is not happy with the way that the appeals process was handled. She explained that she understands that

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the board is probably comprised of volunteers appointed by the Council but she does not think that they cared about the neighborhood. She knows that this is not a life blow, but this is not a very attractive fence. You don't usually see four foot fences in people's yards but certainly not a six foot fence that is 300 feet long. She does not know the purpose of the fence other than the fact that they pushed this through. She doesn't know her legal rights at this point, but she wants something done.

Tom Morgan of West Fall Road explained that he has a petition from almost everyone in the neighborhood. The reason for the fence is a disaster, and it is an irresponsible dog owner creating a problem. He explained that a young boy had to have eleven shots for rabies because of the resident. To create a fence to get the dog back in the yard is horrible, and the Council should shut this down and get it back to where it should be. He explained that they could not control the dog, and this is very frustrating. He explained that everyone on the street does not want this fence and he has a petition. He hopes that the Council makes the right decision. The residents are the only people who have issues on the street. Kids don't want to get near the house, and spite fences aren't allowed in New York State. He is angry about what happened. He has been there for over thirty years, and he would like the Council to please take a look and see what they could do.

Deborah Raines of 2955 West Fall Road explained that her in laws lived in her house before her. She explained that her husband will be 74 tomorrow and they live in the house that he grew up in, and have never had problems on the road until these people moved in. She explained that the dog is the problem and she was assured by the Chief of Police in this building that the dog will be taken care of even though the owner works in the building and every time something happens at this house, the owner says "well I work at the City building, you guys can't touch me." From what she understands, the dog was going to be taken away and someone in this building told her that they were coming to get it and the dog disappeared. The owner of the dog said it ran away, and no one came to her door and told her to be careful because a dog is running lose in the neighborhood. She explained that her husband walks with a walker and can't defend himself from this dog. The dog has bitten at least 4, maybe 5 people. She explained that it has bitten delivery people, and people walking down the road. Two boys in one family have been bit. She explained that something has to be done to take care of this. She has called and was told that once a dog bites someone twice, it is removed. This dog has not been removed because she works for the City. If this can happen to her, then it can happen to every City employee's neighbor. Other people have inherited houses from family members on this street and they all take care of each other except this one family, and she does not understand why they are getting away with it. She explained that the dog issue is not taken care of and the City should suspend her as an employee until the dog is turned in, and find out whoever notified her that the dog would be removed and reprimand that person, too.

Alderman Crawford explained that anything having to do with City employees, he asks that residents please pick up the phone and call the Mayor and set up an appointment to speak with him. He explained that the Common Council has nothing to do with employee matters. He understands everyone's concerns and what he will do is have the City Attorney provide the Council with some insight into their abilities here. He understands that sometimes the Council is a sounding board. The ruling was already made and what they are asking is for the Council to take action and he does not know what that action would be, as in his time year he has never seen the Council address overturning the Planning or Zoning Boards. He asked that the City Attorney look into this to find insight so that we can pass the insight off to the residents and the rest of the community members affected by this.

Alderman Anastasia explained that Mr. Morgan asked him to put in a resolution, but in his 12 years of an Alderman of the City the issue has never come up regarding overturning a Zoning or Planning Board decision. He explained that he would also

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ask that Mr. Morgan turn his petition into the Mayor's office.

Alderman Gonzalez explained that he understands the position that the Council is in, but the Planning and Zoning Boards are outside of the Council's purview and are free of political bias and influence. He explained that they are there to interpret the laws that the Council creates and handle individual concerns so for the Council to jump back into this, he would caution from acting too swiftly regarding something like this.

Alderman Crawford explained that he agrees with Alderman Gonzalez, and that he is not sure if the Council is able to do something with this. He explained that he feels that any time you run into something like this, it would become a slippery slope. Alderman Witte explained that she has been here for a long time and from what she has heard it is not necessarily the Zoning Board process, it sounds like a conflict of interest. The person working with the Zoning Board has a conflict and maybe Mr. Hart can shed some light if maybe this should have been done differently.

Ezra Johnson of 407 West State Street explained that Mr. Gayton was told that he could FOIL for information regarding his daughter and he would like to know what he can do for his daughter now regarding transparency and the War Vet's incident. Alderman Crawford explained that again this is something to follow up with the City Attorney on.

FINANCE / BILLS

By Alderman Witte, Seconded by Alderman Barnard

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 \$1,545,589.73 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 #26-21

PL #22-21

By Alderman Crawford, Seconded by Alderman Gonzalez

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

RESOLVED, that the Common Council of the City of Olean authorizes the Mayor to execute a Memorandum of Understanding with Bird Rides, Inc. for stand-up electric scooter sharing systems within the City of Olean.

RESOLVED, that this Resolution is effective immediately.

ROLL CALL, AYES ALL. MOTION CARRIED.

A motion to suspend the rules was made by Alderman Crawford, seconded by Alderman Gonzalez. Voice vote, ayes all. Motion carried.

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A motion to amend Resolution #28-21, section 27-18 to remove "90" was made by Alderman Crawford, seconded by Alderman Witte. Voice vote, ayes all. Motion carried.

RESOLUTION #28-21

PL #24-21

By Alderman Witte, Seconded by Alderman Barnard

TO AMEND CHAPTER 27, ARTICLE II OF THE CITY OF OLEAN CODE OF ORDINANCES AND TO UPDATE THE WATER/SEWER INFRASTRUCTURE AND BILLING POLICY

RESOLVED, that Chapter 27, Article II, Section 27-1 of the City of Olean Code of Ordinances is amended as follows:

27-1. Rules and Regulations, Generally.

- 1. SUPERVISION OF SYSTEM: The Water and Sewer System and all structures or properties connected to the City of Olean Water and Sewer system shall be under the supervision of the Department of Public Works. All work performed in connection with the system shall conform with the New York State Uniform Fire Prevention and Building Code and shall be subject to inspection by the Code Enforcement Office or the Department of Public Works. The Department of Public Works may establish such other and further regulations as may be necessary or appropriate to assure implementation and standardization of the policy matters contained in this article.*
- 2. POLICY CREATES A CONTRACT Each and every person who shall be supplied or whose property shall be supplied with water by the City of Olean City must agree to comply and must comply with these rules and regulations; and the same shall constitute a part of the contract existing between such person and the City. Any owner and or consumer of water service supplied under Article II below shall as condition of such service be obligated to adhere to each and every other Article of this Chapter as applicable.*
- 3. PROPERTIES OUTSIDE CITY LIMITS No water or sewer service shall be provided to any person or property residing outside the City of Olean, unless such property is located in a municipality with an established water and sewer district and such district is has entered into an inter-municipal agreement with the City.*
- 4. CONNECTIONS. Any owner of a structure or property that is connected to the water and sewer system shall be responsible for maintaining, at his or her expense, the supply and connecting lines of the property to the water and sewer mains. Any owner seeking to connect his or her property to the water and sewer mains shall be required to obtain a permit from the Department, and the connection shall be completed in the manner approved by the Office of Code Enforcement or the Department of Public Works. Any work contracted by the owner under this section shall be performed by a contractor and plumber licensed by the City.*

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5. *DISCONNECTIONS UPON DEMOLITION.* Any owner of a structure or property which is connected to the city water and sewer system who applies for a permit authorizing the demolition or removal of the connected structure shall, at his or her own expense, be required to disconnect any water or sewer line servicing the structure at the City mains. The disconnect shall be completed in the manner approved by the Office of Code Enforcement prior to the demolition of the structure unless otherwise agreed to by the City. Any work contracted by the owner under this section shall be performed by a contractor and plumber licensed by the City. If any owner shall fail to disconnect the lines from the mains, the City may undertake the necessary work and shall be entitled to file a lien against the property for the actual cost incurred, plus a penalty of \$500.
6. *WATER DIVISION.* All transactions under this Chapter 27 shall be with the Department of Public Works, and all matters herein prescribed to be done by the Water Division or Sewer Division shall respectively be had with and done by the Department of Public Works for the City.
7. *VIOLATIONS.* It shall be unlawful to violate any provision of this Chapter.
8. *MONTHLY MINIMUM.* All premises that are supplied with a service connection, whether or not said premises is occupied, will be charged a monthly minimum fee plus any water consumption.
9. *REGULATORY AUTHORITY.* Those rules and regulations not specifically enumerated in this Chapter which are necessary to the safe and efficient management of the water system shall be prescribed by the Director of Public works and described in the Water and Sewer Policy as amended from time to time.

BE IT FURTHER RESOLVED, that Chapter 27, Article II, Section 27-8 is hereby amended as follows:

27-8. Description of Service

1. *SUPPLY.* The Department will exercise reasonable diligence and care to deliver a continuous and sufficient supply of water to a customer at a proper pressure and to avoid any shortage or interruption in delivery. The Department has, however, the right to limit the amount of water furnished.
2. *QUALITY.* The quality of water supplied will meet or exceed all regulatory requirements of the Department of Health for a public water utility.
3. *SERVICE AREA.* The City will supply water to the City of Olean and may supply the same to other Water Districts and other potential users based upon an inter-municipal agreement. The Department reserves the right to refuse or limit service to any consumer located outside the City if the supply of water for the City or its inhabitants becomes insufficient because of such outside service.

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BE IT FURTHER RESOLVED, that Chapter 27, Article II, Section 27-13 is hereby amended as follows:

27-13. Failure to Pay Water Bill When Due.

- 1. Water bills are due and payable on the 17th day of the month in which the bill is issued.*
- 2. On the 20th day of the month in which the bill is issued, a 10 % late fee (10% of the total monthly water account balance) will be assessed and added to the account. A monthly list of delinquent accounts will be made available in the City Clerk's office and will be posted on the City's web page.*
- 3. No late notices will be mailed to property address.*

BE IT FURTHER RESOLVED, that Chapter 27, Article II, Section 27-14 is hereby amended as follows:

27-14. Partial Payments on Account

- 1. Partial payments on accounts will only be accepted for accounts that are maintained in the property owners' name.*

BE IT FURTHER RESOLVED, that Chapter 27, Article II, Section 27-17 is hereby amended as follows:

27-17. Shutting off water.

- 1. Right of City. Water may be shut off by the Water Department from any service or main for the purpose of making or constructing new work or making repairs in the water system, or for enforcement of payment of moneys or charges due to the City for water supply and for other matters in accordance with the rules and regulations set forth in this chapter in order to enforce compliance with such rules and regulations, IN Case of making or constructing new work or in making repairs, the right is reserved to shut off the water from any consumer without notice for as long a period as may be necessary.*
- 2. Notice. In the event of shutoff for violation of these rules and regulations, written notice shall be sent, prior to shutoff, by certified mail to the owners of the premises as shown by the latest assessment rolls of said City. Notice shall also be conspicuously posted on the front door of the building. Each notice shall be postmarked and posted not less than 15 days prior to shutoff. The notice shall include the anticipated date the water will be shut off, the reason for the shutoff. It is understood and agreed, however, the City is not liable for any damage which may result to any person or premises from the shutting off of the water from any main or service for any purpose whatever, even in cases where no notice is given.*

BE IT FURTHER RESOLVED, that Chapter 27, Article II, Section 27-18 is hereby amended as follows:

27-18. Disputed Bills and Adjustments

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No City official is authorized to make adjustments in the water or sewer bills after issuance. If a customer wishes to dispute his or her bill, it must be submitted, in writing, to the Mayor or Water & Sewer Superintendent within 45 days of the bill date as listed on the bill. A dispute committee will hear the case and make a decision as to whether an adjustment can or will be made.

BE IT FURTHER RESOLVED, that Section 27-21, is hereby amended as follows:

27-21. Connecting or Supply Pipes

The connecting or supplying pipes leading from buildings or yards to the distribution pipe shall be inserted and kept in order at the expense of the owner or occupant of the buildings or yards. Such connecting or supplying pipes shall not be inserted or connected with the main pipe until a permit therefor shall be obtained from the office of the Department of Public Works. All such connecting or supplying pipes shall be so constructed and connected in the manner directed by the Director of Public Works, Water & Sewer Superintendent or their designee.

BE IT FURTHER RESOLVED, that Section 27-25, subparagraph (b) is hereby amended as follows:

- (b) The city shall furnish the official water meter and transmitter for each property at its expense in those instances where the diameter of the meter is two inches or less; in those instances where the diameter of the meter is in excess of two inches, the city shall furnish the meter at the expense of the property owner. In either case, the meter and transmitter shall remain the property of the city and shall be installed by city personnel and protected by the property owner at his their expense. Normal maintenance on this water meter and transmitter shall be provided by the city. Maintenance, repair or replacement required because of improper use, accident, hot water, freezing, vandalism, theft, removal without the prior authorization of the Water Department or other extraordinary cause shall be at the property owner's expense. In addition to the actual cost of repair or replacement of the meter, the property owner shall pay the fee set forth in "Schedule A".*

BE IT FURTHER RESOLVED, that Section 27-25, subparagraph (g) is hereby amended as follows:

- (g) No person, persons, firm, partnership, corporation or other entity shall, without written authorization of the Water Department or its designee, interfere with, tamper with, unseal or remove the official water meter or transmitter after it has been inspected, approved and sealed by the Water Department, by order of the Water Department. Fines for tampering with city equipment may be up to \$1,000 and may result in the termination of service.*

BE IT FURTHER RESOLVED, that Section 27-26 is hereby amended as follows:

Sec. 27-26. Installation.

- (a) The official water meter shall be set in a position as close as practical to the point where the water service line enters the building.*

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(b) *Except where the Water Department has permitted otherwise in writing, the official water meter shall not be located in excess of 50 feet from the property line. It shall be the responsibility of the property owner to protect the water meter as directed.*

(c) *Unless otherwise directed by the Water Department, the rated size of the official water meter shall be equal to or less than the diameter of the domestic service line. A minimum of a three-inch meter will be required for service lines four inches in diameter or larger.*

(d) *In the case of service lines greater than two inches in diameter, a valved bypass shall be installed to facilitate testing and meter repair. The valve on the bypass shall be sealed by the Water Department.*

BE IT FURTHER RESOLVED, that Section 27-27 is hereby amended as follows:

Sec. 27-28. Responsibilities of City and Consumer

(a) *An official water meter damaged by frost, negligence or misuse by the property owner or any other person shall be replaced and repaired at the property owner's expense as outlined in the water and sewer rate schedule.*

(b) *The city will not be held responsible in any way for damage to service lines, meters, house piping, valves or any other fixtures as a result of frost or any other reasons, nor shall the city be responsible in any way for damage to property from the above causes or from leakage of water from any part of the service lines or house piping.*

(c) *The consumer in any premises not equipped with a curb box and curb faucet shall install, if for any reason the service of water to such premises is or should be discontinued, whether temporarily or otherwise, such curb box and curb faucet of the size, type and in the manner approved by the Water Department.*

(d) *In the event that it is necessary for the city to remove or replace the official water meter and the Water Department is of the opinion that such removal or replacement cannot be effected or is inadvisable until repairs have been made by the property owner to the service line or house piping, the Water Department may order repairs to be made by the property owner at his expense.*

(e) *The Water Department shall have the sole right to determine the location, size, type and manufacture of any and all meters, connections and other appliances.*

(f) *In the event that it becomes necessary to change the location, size, type or manufacture of a water meter, the expense shall be borne by the consumer.*

(g) *In any event, the city shall not be liable for any damage to service lines, house piping or property caused by removal, replacement or testing of the official water meter or for any cause whatsoever.*

BE IT FURTHER RESOLVED, that Section 27-28, subparagraph (c) is hereby amended as follows:

(c) *When access to the meter cannot be had for any billing period, the customer may be billed for water consumption upon the basis of average usage indicated by the records of the Water Department, based upon the water meter reading for the preceding year, the actual consumption to be billed on the next available meter reading.*

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BE IT FURTHER RESOLVED, that Section 27-33, subparagraph (d) is hereby amended as follows:

(d) Failure to annually test and report each RPZ and DCV backflow prevention device may result in fines and fees set forth in "Schedule A," failure to complete testing after notification may result in termination of service.

RESOLVED, that all other Sections of Chapter 27, Article II shall remain the same.

RESOLVED, that the Water / Sewer Infrastructure and Billing Policy is hereby amended to reflect these changes.

RESOLVED, that this Resolution is effective immediately.

ROLL CALL, AYES ALL. MOTION CARRIED.

RESOLUTION #33-21

PL #26-21

By Alderman Gonzalez, Seconded by Alderman Anastasia

RESOLUTION AUTHORIZING THE TRANSFER OF FUNDS FROM LINE ITEM 5142.412 TO CAPITAL FUND #211 – SALT SHED

RESOLVED, that the following transfer be authorized:

<i>Account #</i>	<i>Description – General</i>	<i>Transferred From</i>	<i>Transferred to</i>
A-01-5-5142.412	Snow Removal – Salt, Sand, Etc.	\$25,000	
Capital Fund #211	Salt Shed		\$25,000

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

ROLL CALL, AYES ALL. MOTION CARRIED.

RESOLUTION #34-21

PL #27-21

By Alderman Witte, Seconded by Alderman Panus

RESOLUTION AUTHORIZING THE TRANSFER OF FUNDS FROM GENERAL FUND CONTINGENCY TO LINE ITEM 3650.447 AND CAPITAL FUND #150

RESOLVED, that the following transfer be authorized for costs associated with the stabilization of a North Union Street property, as well as to replenish the Sidewalk Program fund:

<i>Account #</i>	<i>Description – General</i>	<i>Transferred From</i>	<i>Transferred to</i>
A-01-5-1990.590	General Fund Contingency	\$51,182	
A-01-5-3650.447	Demolition of Unsafe Buildings		\$22,000
Capital Fund #150	Sidewalk Program		\$29,182

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

RESOLUTION #35-21

PL #28-21

By Alderman Anastasia, Seconded by Alderman Robinson

***RESOLUTION AUTHORIZING THE TRANSFER OF FUNDS FROM GENERAL FUND BALANCE TO
VARIOUS CAPITAL FUNDS***

RESOLVED, that the following transfer be authorized:

<i>Account #</i>	<i>Description – General</i>	<i>Transferred From</i>	<i>Transferred to</i>
<i>A-01-3-909.000</i>	<i>General Fund Balance</i>	<i>\$451,000</i>	
<i>Capital Fund #205</i>	<i>Fire Station 1 Generator</i>		<i>\$36,000</i>
<i>Capital Fund #206</i>	<i>Restriping City Streets</i>		<i>\$90,000</i>
<i>Capital Fund #207</i>	<i>Street Brickwork</i>		<i>\$100,000</i>
<i>Capital Fund #208</i>	<i>South Union Street Gateway</i>		<i>\$150,000</i>
<i>Capital Fund #209</i>	<i>Central Fire Station HVAC</i>		<i>\$50,000</i>
<i>Capital Fund #210</i>	<i>Recreation Center Digital Sign</i>		<i>\$25,000</i>

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

RESOLUTION #36-21

PL #29-21

By Alderman Witte, Seconded by Alderman Barnard

***RESOLUTION AUTHORIZING THE TRANSFER OF FUNDS FROM WATER FUND BALANCE AND
SEWER FUND BALANCE TO VEHICLE REPLACEMENT FUND***

***RESOLVED, that the following transfer be authorized for costs associated with the
purchase of a street sweeper (\$109,000 from Sewer Fund Balance), a vacuum truck
(\$390,000 from Sewer Fund Balance), and a loader (\$47,000 from Water Fund Balance
and \$47,000 from Sewer Fund Balance):***

<i>Account #</i>	<i>Description – General</i>	<i>Transferred From</i>	<i>Transferred to</i>
<i>F-06-3-909.000</i>	<i>Water Fund Balance</i>	<i>\$47,000</i>	

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G-07-3-909.000 Sewer Fund Balance \$546,000

Capital Fund #102 Vehicle Replacement Fund \$593,000

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

RESOLUTION #37-21

PL #30-21

By Alderman Crawford, Seconded by Alderman Witte

**RESOLUTION AUTHORIZING THE TRANSFER OF FUNDS FROM BUILDING REPAIRS TO FIRE –
REPAIRS TO EQUIPMENT**

RESOLVED, that the following transfer be authorized for costs associated with construction at Central Fire Station:

<i>Account #</i>	<i>Description – General</i>	<i>Transferred From</i>	<i>Transferred to</i>
A-01-5-1620.444	Building Repairs	\$24,554.13	
A-01-5-3410.444	Fire – Repairs to Equipment		\$24,554.13

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

RESOLUTION #38-21

PL #31-21

By Alderman Crawford, Seconded by Alderman Witte

**RESOLUTION CONFIRMING THE APPOINTMENT
OF JOSHUA MILLER FOR THE BOARD OF ASSESSMENT REVIEW**

RESOLVED, that the Common Council confirms the Mayoral appointment of Joshua Miller for the Board of Assessment Review.

IT IS FURTHER RESOLVED, that this Resolution will be effective immediately.
ROLL CALL, AYES ALL. MOTION CARRIED.

RESOLUTION #39-21

PL #32-21

By Alderman Witte, Seconded by Alderman Robinson

**RESOLUTION AUTHORIZING THE TRANSFER OF FUNDS FROM WATER FUND CONTINGENCY
TO CAPITAL FUND #212**

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>F-06-5-1990.590</i>	<i>Water Fund Contingency</i>	<i>\$50,000</i>	
<i>Capital Fund #212</i>	<i>Hydraulic Mapping</i>		<i>\$50,000</i>

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

RESOLUTION #40-21

PL #33-21

By Alderman Robinson, Seconded by Alderman Witte

RESOLUTION AUTHORIZING THE TRANSFER OF FUNDS FROM LINE ITEMS 5111.301 AND 5111.302 TO TREE PROGRAMS

RESOLVED, that the following transfer be authorized:

<i>Account #</i>	<i>Description – General</i>	<i>Transferred From</i>	<i>Transferred to</i>
<i>A-01-5-5111.301</i>	<i>Tree Programs</i>	<i>\$10,584</i>	
<i>A-01-5-5111.302</i>	<i>Emergency Clean-Up</i>	<i>\$5,250</i>	
<i>Capital Fund #185</i>	<i>Tree Program</i>		<i>\$15,834</i>

BE IT FURTHER 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 7:45 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