

Journal of Proceedings

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

July 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, July 27, 2021 at 7:0 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; Keri Kerper, Community Development Program Coordinator; 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 July 13, 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 #43-21, that the Common Council of the City of Olean is fully supportive of the submission by Olean City Centre for Empire State Development Grant Funds for the redevelopment of the property located at 400-450 North Union Street. Committee recommends approval. Referred to City Attorney for Resolution.

COMMUNICATIONS FROM THE MAYOR

Mayor Aiello announced that Chief Ron Richardson has successfully passed the Chief's Civil Service test so he has received his permanent appointment as Police Chief.

MISCELLANEOUS COMMUNICATIONS

Application for a Liquor License – Union Tea Café, Inc. – 301 North Union Street

CITY OFFICIAL REPORTS

None

PROPOSED LEGISLATION AND REFERRALS

PL #43-21: (Aiello) That the Common Council of the City of Olean is fully supportive of the submission by Olean City Centre for Empire State Development Grant Funds for the redevelopment of the property located at 400-450 North Union Street. Referred to Committee of the Whole Tuesday, July 27, 2021 by Council President.

PL #44-21: (Aiello) To authorize the Mayor to submit a grant application to the New York State Department of Transportation through the Transportation Alternatives Program for

Journal of Proceedings

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

July 27, 2021

the Wayne Street Shared Use Path Project. Referred to Regular meeting Tuesday, July 27, 2021 for Resolution by Council President.

PL #45-21: (Aiello) To authorize the Mayor to submit a grant application to the New York State Department of Environmental Conservation through the Water Quality Improvement Project Program for the South Olean Syphon Project. Referred to Regular Meeting Tuesday, July 27, 2021 for Resolution by Council President.

PUBLIC COMMENT/INPUT

Kevin Bartholomew of 737 Bishop Street asked who is responsible for the Main Street project. He called it an abomination and explained that he feels that you can barely get two cars down the street, let alone two tractor trailers. He explained that this is just putting another barrier in to keep people from coming to Olean. He explained that he is going to hate to see the snow plow going through there. He explained that he hears complaints from everyone and he saw problems coming that are here now. He explained that if they do the project at the mall site it will be difficult for trucks to get in because they can't go down this stretch of roadway. He explained that common sense would have worked for this situation. People will be running over curbs and taking out signs.

Paul Petruzzi of 417 East State Street explained that his concerns regarding the mall project have been addressed and he thanked Ms. Kerper and Mayor Aiello for taking care of this. He explained that he has concerns about adding housing to the city center but not if it winds up being as described tonight. He explained that a senior housing high rise is great and will bring elderly into the city from outside the city. He explained that some elderly can't use their two story houses anymore and would like to be closer to downtown amenities. He explained that he doesn't want to see neighborhoods suffer, and there are dozens upon dozens of abandoned, run-down homes. He explained that he doesn't want to see the good idea about providing affordable and senior housing kill neighborhoods. He explained that we run the risk as a city of killing neighborhoods if we add too many dense housing units in the city center. He explained that he can understand elderly housing, but he doesn't want to see more low income housing in the city center. He explained that 422 East State Street was marketed as housing for the disabled but that was maybe only 10 percent of their units. He explained that a development like that runs the risk of bringing in people who have the disability of an addiction and while that may be a legally recognized disability, condensing this type of disability in that type of housing runs the risk of creating more problems. He explained that he doesn't want to see the issue where the City Council supports an idea and it ends up changing. He explained that he understands the Council's position on the bed tax as well but he thinks that this will not only affect people outside of the area, but also people who live here. He explained that he can understand a bed tax for hotels but we might want to think about not applying them to Airbnb's. He explained that in the long run this could rob the City of property tax revenue. He noted that we should also ensure to not undervalue the mall and don't give handouts to a developer who will be fine making a ton of money in the senior housing market.

Daniel Gayton of 794 North Union Street thanked Ms. Kerper and Mr. Ring for the mall development, and explained that he never thought he would see anything there again in his life. He explained that we all know that Olean has an aging population so senior housing is a good thing. He explained that he is also glad that the Council discussed not opting out of the cannabis businesses that the City should allow people to get into. He explained that the Police Reform Committee is at a slow stall and is a sore topic. He explained that it has been stopped in every way it could possibly be stopped, and he wonders if we are going to wait until the police contract is implemented. He questioned if the contract negotiations affect whether or not there can be a police review board. He explained that everyone talks as if this is the only

Journal of Proceedings

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

July 27, 2021

thing in the plan but the Council voted on the plan as a whole and he wonders where the rest of it is. He explained that the Council is just as responsible as everyone else so we need to see some movement. He explained that this could have been a valuable tool. He explained that his cousin is affected by the situation because a couple of days ago the officer who shot at her pulled up next to her in a car and smiled at her, and she had a panic attack. She can't come here and say anything and there is no board, so where is the confidence for her? He asked where this stops and where it ends. He explained that the Council's inaction has caused every single chain reaction that is coming. He explained that the City has a week left to answer and turn over all evidence. He explained that situations are swept under the rug and just because someone is cleared in a criminal aspect doesn't mean that it is all over. He explained that we all know where this is headed. Olean is not exempt from things going on in this country, and we need to confront things head on. He explained that the Council either has the public's back or it doesn't.

George Hendricks of 430 York State explained that he has been a resident of Olean for 80-some years and he is here tonight because he is concerned about the future of Olean. He explained that the Olean that he has known all of his life is a great place to live and raise a family. He explained that if the Council does not act before the end of the year and opt out of marijuana coming into the City that Olean will go to hell and he doesn't want to see that happen. He presented handouts to the Council with information on the topic. He explained that in larger cities, there are certain neighborhoods that you don't go to because of the crime and drugs and violence, and we don't want Olean to become a City like that. He is asking the Council to opt out and prevent the City from becoming a drug and crime capital. HE explained that he wants to prevent Olean from becoming a disaster area. He explained that Jim Snyder was instrumental in bringing JCC to what it is now, and he is concerned that allowing marijuana in the City will cause JCC's enrollment to drop. He explained that if the Council isn't willing to opt out then they can be replaced because they are not doing their duties and protecting the people of Olean.

Fred Close of 1562 Olean Portville Road explained that he wants to echo what Mr. Gayton said. He explained that at the last meeting there was no public explanation of what was going on. He explained that he wants lawyers to put their concerns into writing and if they haven't, he wonders why they haven't. He explained that there are concerned members of the public who are pleading to know where this is going and wondering why it isn't moving forward and the question has become, why are these people being ignored? He explained that there are people both on the inside and on the outside of the Council that have a sense of urgency about the Police Reform Committee. He explained that Mr. Gayton has a lot of interesting things to say on the topic. We have to act and have to do something. He explained that it is sad that there are not more people here to convince the Council that there are more people that care about this. He explained that a Civilian Review Board is necessary and appropriate for the City.

Mr. Gayton explained that if the City opts out of the marijuana legislation, then citizens can still go to Allegany to buy it and bring it back. He explained that it is still legal to smoke in the City, but if the City opts out we will not be able to get revenue from manufacturing and sales. He explained that marijuana is here, and Olean isn't exempt. He explained that these misconceptions end up in debates. He feels that the "war on drugs" was really a war on poor and minority people. It would be crazy for the City to opt out. Alderman Crawford explained that his concern is more about stopping overdoses on meth and heroin.

FINANCE / BILLS

By Alderman Witte, Seconded by Alderman Barnard

Journal of Proceedings

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

July 27, 2021

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 \$2,037,373.55 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 #51-21

PL #43-21

By Alderman Witte, Seconded by Alderman Anastasia

THAT THE COMMON COUNCIL OF THE CITY OF OLEAN IS FULLY SUPPORTIVE OF THE SUBMISSION BY OLEAN CITY CENTRE FOR THE EMPIRE STATE DEVELOPMENT GRANT FUNDS FOR THE REDEVELOPMENT OF THE PROPERTY LOCATED AT 400-450 NORTH UNION STREET

WHEREAS, *Empire State Development provides capital grant funding for capital-based economic development projects intended to create or retain jobs; prevent, reduce or eliminate unemployment and underemployment; and/or increase business or economic activity in a community or region of New York State; and*

WHEREAS, *The Olean Town centre LLC (d/b/a Olean City Centre) intends to make application to Empire State Development on or about July 30, 2021 for capital grant funding to support redevelopment of the 345,000 square foot mall property located at 400-450 North Union Street (the "Project"); and*

WHEREAS, *the Project will involve reimaging the property as a mixed-use development to include sixty residential unity, multi-tenant office and retail space, façade and additional investment to support the current anchors Kohl's and JC Penney's; and*

WHEREAS, *the Project will improve the mall site through façade investments, new lighting and landscaping, and parking lot improvements, while also improving the property's connectivity to the City of Olean's retail corridor to support retail and commercial activity beyond the mall property;*

NOW, THEREFORE, BE IT RESOLVED, *that the Common Council of the City of Olean, New York is fully supportive of the submission by Olean City Centre for Empire State Development Grant Funds in an amount up to \$2,000,000 for the Project.*

RESOLVED, *that this Resolution is effective immediately.*

ROLL CALL, AYES ALL. MOTION CARRIED.

RESOLUTION #52-21

PL #44-21

By Alderman Crawford, Seconded by Alderman Robinson

TO AUTHORIZE THE MAYOR TO SUBMIT A GRANT APPLICATION TO THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION THROUGH THE TRANSPORTATION ALTERNATIVES PROGRAM FOR THE WAYNE STREET SHARED USE PATH PROJECT

Journal of Proceedings

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

July 27, 2021

WHEREAS, the New York State Department of Transportation is making available up to \$110 million in funding over a two-year period to support bicycle, pedestrian, multi-use path and transportation-related projects and programs that support the goals of New York's nation-leading Climate Leadership and Community Protection Act (CLCPA); and

WHEREAS, the funds, made available to the State through the Federal Highway Administration and administered by the NYSDOT are provided through the Transportation Alternatives Program (TAP) and the Congestion Mitigation and Air Quality Improvement Program (CMAQ); and

WHEREAS, the City of Olean has determined that the proposed Wayne Street Shared Use Path Project is an eligible transportation related project with increased options for non-vehicular transportation; and

WHEREAS, the City of Olean desires to apply for TAP funding for eligible expenses including planning, design/engineering services, right-of-way acquisition, construction and construction inspection services;

NOW, THEREFORE, BE IT RESOLVED, that the Common Council authorizes the Mayor to submit a grant application to the New York State Department of Transportation through the Transportation Alternatives Program for the Wayne Street Shared Use Path Project.

RESOLVED, that this Resolution is effective immediately.

ROLL CALL, AYES ALL. MOTION CARRIED.

RESOLUTION #53-21

PL #45-21

By Alderman Gonzalez, Seconded by Alderman Panus

TO AUTHORIZE THE MAYOR TO SUBMIT A GRANT APPLICATION TO THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION THROUGH THE WATER QUALITY IMPROVEMENT PROJECT PROGRAM FOR THE SOUTH OLEAN SYPHON PROJECT

WHEREAS, the New York State Department of Environmental Conservation is accepting applications through the Consolidated Funding Application (CFA) process for the Water Quality Improvement Project Program (WQIP), a competitive, statewide reimbursement grant program open to local governments and not-for-profit corporations to implement projects that directly address documented water quality impairments, improve aquatic habitat, or protect a drinking water source; and

WHEREAS, the City of Olean has determined that the proposed South Olean Syphon Project is an eligible project under the WQIP and desire to apply for funding assistance for the construction and construction inspection phases of said project;

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Olean authorizes the Mayor to submit a grant application to the New York State Department of Environmental Conservation through the Water Quality Improvement Project Program for the South Olean Syphon Project.

RESOLVED, that this Resolution is effective immediately.

ROLL CALL, AYES ALL. MOTION CARRIED.

EXECUTIVE SESSION

A motion to enter into executive session to discuss collective negotiations in accordance with section fourteen of the Civil Service Law was made by Alderman Crawford, seconded

Journal of Proceedings

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

July 27, 2021

by Alderman Gonzalez. Voice vote, ayes all. Motion carried. Executive session began at approximately 7:35 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 8:55 p.m.

Alderman Gonzalez explained that next week the Council will hold committee meetings via Zoom, and the Council will be receiving a presentation on the City website as well as discuss the next steps on the City of Olean Civilian Police Oversight Committee proposal as well as feedback from attorneys.

ADJOURNMENT

Motion to adjourn was made by Alderman Crawford, seconded by Alderman Robinson. Voice vote, ayes all. Motion carried. Meeting adjourned at approximately 9:00 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