

Journal of Proceedings

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

October 12, 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, October 12, 2021 at 7:15 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; 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 September 28, 2021 Regular 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 #64-21, to authorize the transfer of \$12,500 from Water Fund Contingency and \$12,500 from Sewer Fund Contingency to line item 1640.445 for costs associated with the replacement of unleaded and diesel fuel pumps at the City Garage. Committee recommends approval. Referred to City Attorney for Resolution.

COMMUNICATIONS FROM THE MAYOR

Special Proclamation for National Breast Cancer Awareness Month

Special Proclamation for Manufacturing Month

MISCELLANEOUS COMMUNICATIONS

None

CITY OFFICIAL REPORTS

None

PROPOSED LEGISLATION AND REFERRALS

PL #62-21: (Aiello) To authorize the Mayor to enter into an agreement with Casella Waste for solid waste management and recycling services in the City of Olean. Referred to Regular Meeting Tuesday, October 12, 2021 for Resolution by Council President.

PL #63-21: (Aiello) To authorize the purchase of two power stretchers and two power load systems for the City of Olean Fire Department using American Rescue Plan Act funds.

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Referred to Regular Meeting Tuesday, October 12, 2021 for Resolution by Council President.

PL #64-21: (Aiello) To authorize the transfer of \$12,500 from Water Fund Contingency and \$12,500 from Sewer Fund Contingency to line item 1620.445 for costs associated with the replacement of unleaded and diesel fuel pumps at the City Garage. Referred to Committee of the Whole Tuesday, October 12, 2021 by Council President.

PL #65-21: (Aiello) To authorize the Mayor to sign the Olean Police Command Union Labor Contract. Referred to Regular Meeting Tuesday, October 12, 2021 for Resolution by Council President.

PUBLIC COMMENT/INPUT

Alderman Anastasia explained that he would like to take the opportunity to thank Justin Melfi in Code Enforcement for staying on top of a situation and taking care of an issue that he had in his ward.

Margie Henkel on the 900 block of West Henley Street explained that her neighborhood is requesting a streetlight in front of 905 West Henley Street. She explained that it was requested previously but she had not heard back from her Alderman. She explained that last week the person that lived in that house was attacked on her front porch. The block has continuous issues with drug dealers and purchasers, as well as cars being broken into. She explained that there is no light on that block, and the neighborhood is requesting this installation.

Ty Malone of 203 North 11th Street explained that last week a different proposal for a Civilian Review Board was presented and he wonders if the community could see this, and if the Council will be reviewing it like they did the other. He explained that he was confused because the Mayor and Aldermen were working on the legislation, and now it seems that a completely different proposal is being considered. He explained that there has also been a problem with the school board in Olean and that the Aldermen's kids go to the same school as the publics, and he feels that as leaders of the City that the Council should say something.

Dan Gayton of 794 North Union Street explained that he likes and appreciates everything that is done to improve the City and he supports this, but with the median household income being \$41,000 we need to remember that a whole lot of money is being spent that falls on the taxpayers at the end of the day. He explained that nothing has been moving on the entrance to Franchot, and he wants to know what is going on with that. He explained that we need to be financially conservative. He wonders if departments in the City have adjusted to the decline in population over the past 10 years or if we are still running as though there is a 20,000 person population. He explained that there has been no movement on the plan for community policing, and this is something that needs to move forward. In addition, the Council should speak on the situation with the school board.

Alderman Crawford explained that grants are a different area of tax money being put to use, but the grants would cover 95 percent of the cost of the charging stations. He understands the need for financial conservatism. We will learn the dollar values of the project before we go ahead and sign up for any spending whatsoever.

FINANCE / BILLS

None

RESOLUTIONS

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

A motion to amend the agenda to include Resolutions 74-21, 75-21, and 76-21 was made by Alderman Crawford, seconded by Alderman Barnard. Voice vote, ayes all. Motion carried.

RESOLUTION #70-21

PL #62-21

By Alderman Witte, Seconded by Alderman Panus

TO AUTHORIZE THE MAYOR TO ENTER INTO AN AGREEMENT WITH CASELLA WASTE FOR SOLID WASTE MANAGEMENT AND RECYCLING SERVICES IN THE CITY OF OLEAN

RESOLVED, that the Common Council authorizes the Mayor to enter into a four-year, exclusive contract with Casella Waste for solid waste management and recycling services in the City of Olean.

RESOLVED, that said contract has two optional three-year extensions.

RESOLVED, that fees associated with said contract for users shall be as follows:

15 gallon sticker	\$1.44
30 gallon sticker	\$2.90
35 gallon tote	\$8 per month
64 gallon tote	\$16 per month
96 gallon tote	\$24 per month

RESOLVED, that this Resolution shall be effective immediately.

ROLL CALL, AYES ALL. MOTION CARRIED.

RESOLUTION #71-21

PL #63-21

By Alderman Gonzalez, Seconded by Alderman Anastasia

TO AUTHORIZE THE PURCHASE OF TWO POWER STRETCHERS AND TWO POWER LOAD SYSTEMS FOR THE CITY OF OLEAN FIRE DEPARTMENT USING AMERICAN RESCUE PLAN ACT FUNDS

WHEREAS, American Rescue Plan Act funds have been made available to the City of Olean; and

WHEREAS, an eligible use of said funds is for the purchase of two (2) power stretchers and two (2) power load systems, including installation, for a cost not to exceed \$98,000; And

WHEREAS, equipment would aid in the treatment and transport of COVID-19 patients as well as improving the safety of first responders that directly treat and transport COVID-19 patients;

RESOLVED, that the Common Council authorizes the purchase of two power stretchers and two power load systems using American Rescue Plan Act funds in an amount not to exceed \$98,000.

RESOLVED, that this Resolution is effective immediately.

ROLL CALL, AYES ALL. MOTION CARRIED.

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Alderman Anastasia explained that he cannot support the purchase of new fuel tanks because he does not feel that we studied WEX cards enough. He explained that with electric vehicles, he feels that this should be put on hold, and we should see if we should really spend \$50,000 on fuel tanks. Alderman Crawford explained that we are purchasing new fuel pumps, not fuel tanks. Alderman Robinson explained that he agrees with Alderman Anastasia.

A motion to amend Resolution #72-21 to correct the account number to 1640.445 was made by Alderman Crawford, seconded by Alderman Witte. Voice vote, ayes all. Motion carried.

RESOLUTION #72-21

PL #64-21

By Alderman Witte, Seconded by Alderman Panus

TO AUTHORIZE THE TRANSFER OF \$12,500 FROM WATER FUND CONTINGENCY AND \$12,500 FROM SEWER FUND CONTINGENCY TO LINE ITEM 1640.445

RESOLVED, that the following transfers be authorized for costs associated with the replacement of unleaded and diesel fuel pumps at the City Garage:

<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>\$12,500</i>	
<i>G-07-5-1990.590</i>	<i>Sewer Fund Contingency</i>	<i>\$12,500</i>	
<i>A-01-5-1640.445</i>	<i>Central Garage – Buildings</i>		<i>\$25,000</i>

RESOLVED, that this Resolution is hereby effective immediately.

ROLL CALL, AYES ALL EXCEPT ALDERMAN ROBINSON AND ALDERMAN ANASTASIA. MOTION CARRIED.

RESOLUTION #73-21

PL #65-21

By Alderman Witte, Seconded by Alderman Panus

TO AUTHORIZE THE MAYOR TO SIGN THE OLEAN POLICE COMMAND UNION LABOR CONTRACT

RESOLVED, that Mayor William J. Aiello is hereby authorized to sign the Labor Contract for the Command Unit of Olean Police Local 967c and New York State Law Enforcement Officers Union, Council 82 of the American Federation of State, County, and Municipal Employees, AFL-CIO, in accordance with the settlement memorandum between the City of Olean and the Collective Bargaining Unit involved,

RESOLVED, that this Resolution is effective immediately.

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**ROLL CALL, AYES ALL EXCEPT ALDERMAN BARNARD, WHO ABSTAINED.
MOTION CARRIED.**

RESOLUTION #74-21

PL #NONE

By Alderman Crawford, Seconded by Alderman Witte

A REFUNDING BOND RESOLUTION, DATED OCTOBER 12, 2021, AUTHORIZING THE ISSUANCE OF REFUNDING BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$6,000,000 OF THE CITY OF OLEAN, CATTARAUGUS COUNTY, NEW YORK, PURSUANT TO THE LOCAL FINANCE LAW AND PROVIDING FOR OTHER MATTERS IN RELATION THERETO.

WHEREAS, the City of Olean, Cattaraugus County, New York (the "City") heretofore issued its Public Improvement Serial Bonds, 2012, dated August 9, 2012, in the original aggregate principal amount of \$9,250,000, with \$5,600,000 of such bonds being scheduled to mature in the years 2022 through 2032, inclusive (the "Refunded Bonds"); and

WHEREAS, in order for the City to realize the potential for certain long-term debt service savings with respect to the Refunded Bonds, the Common Council of the City (the "Common Council") has determined, after consultation with the City's municipal advisor and bond counsel firms retained by the City, that it would be in the public interest for the City to refinance the Refunded Bonds by the issuance of refunding bonds of the City pursuant to Section 90.00 and/or Section 90.10 of the Local Finance Law (the "Refunding Law"); and

WHEREAS, the Refunded Bonds are, by their terms, either scheduled for payment or subject to the possibility of the call for redemption prior to their stated maturity dates, and the City has determined to conduct such a call for redemption, to achieve future debt service savings; and

WHEREAS, the Refunded Bonds were issued for various purposes; however, only a portion of the original bonds will be refunded pursuant to resolutions that were adopted for (A) the reconstruction of and construction of improvements to the sewer system (Two Mile) (on June 10, 2008); (B) the reconstruction and construction of improvements to the City's East Olean sewer system (on June 10, 2008); (C) the reconstruction of and construction of improvements to the City's water system (on October 14, 2008); and (D) the reconstruction and construction of sewer improvements to the City sewer system (on October 14, 2008) (collectively, the "Refunded Bonds Bond Resolutions"); and

WHEREAS, the terms of the Refunded Bonds Bond Resolutions are hereinafter sometimes referred to collectively as the "Refunded Bond Resolutions"; and

WHEREAS, the City has the power and authority to issue refunding bonds of the City for the purpose of refunding (and thereby refinancing) the Refunded Bonds at more favorable rates of interest, including provision for the payment of incidental costs of issuance in connection therewith, pursuant to the provisions of the Refunding Law; and

WHEREAS, the Common Council, has received a draft refunding summary/refunding financial plan, dated as of September 28, 2021 (the "Refunding Financial Plan") from Robert W. Baird & Co. Incorporated (the "Underwriter") in connection with the proposed refunding of the Refunded Bonds, and such Refunding Financial Plan has been presented to the Common Council, summary (highlights) pages of such Plan are also attached hereto as Exhibit A; and

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***WHEREAS**, the Common Council has reviewed and considered the Refunding Financial Plan in consultation with the City Auditor and the municipal advisor and bond counsel firms retained by the City; and*

***WHEREAS**, the City desires to refund all or a portion of the Refunded Bonds by issuing certain new refunding bonds and selling such bonds pursuant to a private sale to the Underwriter in general accordance with the Refunding Financial Plan; and*

***WHEREAS**, the Refunding Law requires that the City adopt a refunding bond resolution which includes a refunding financial plan setting forth all of the pertinent details in connection with the proposed refunding transaction;*

***NOW, THEREFORE, BE IT RESOLVED**, by the Common Council (by the favorable vote of not less than two-thirds of the total voting strength of the Common Council) as follows:*

SECTION 1. Based on the recommendation of Municipal Solutions, Inc. (“Municipal Solutions”), the municipal advisor retained by the City, the Common Council hereby determines to undertake a current refunding of the Refunded Bonds, through the issuance of refunding bonds of the City, such refunding bonds to be offered and sold at private sale to the Underwriter under arrangements that are to be in general accordance with the Refunding Financial Plan.

SECTION 2. For the object or purpose of refunding the Refunded Bonds, including providing moneys which, together with the interest earned from the investment of certain of the proceeds of the refunding bonds herein authorized, shall be sufficient to pay (A) the applicable outstanding principal amount of the Refunded Bonds, (B) the aggregate amount of unmatured interest payable on the Refunded Bonds to and including the date(s) on which the Refunded Bonds mature or are to be redeemed in accordance with the Refunding Financial Plan, (C) redemption premiums, if any, payable on the Refunded Bonds as of such redemption date(s), (D) the costs and expenses incidental to the issuance of the refunding bonds herein authorized, including, but not limited to, the development of the Refunding Financial Plan, the fees and costs of the municipal advisor to the City, the fees and costs of the bond counsel to the City, the costs and expenses of executing and performing the terms and conditions of the Escrow Contract, as hereinafter defined, and the fees and charges of the Escrow Holder, as hereinafter defined, and (E) the premium or premiums for the policy or policies of municipal bond insurance or other form of credit enhancement facility or facilities for the refunding bonds herein authorized, or any portion thereof, there are hereby authorized to be issued the Refunding Serial Bonds, 2021 of the City in an aggregate principal amount not to exceed \$6,000,000 (the “Refunding Bonds”) pursuant to the provisions of the Refunding Law, it being anticipated that the principal amount of the Refunding Bonds actually to be issued will be approximately \$5,205,000 as described in the Refunding Financial Plan and in Section 6 hereof. The Refunding Bonds shall be dated such date as shall hereafter be determined by the City Auditor pursuant to Section 6 hereof, shall be of the denominations of \$5,000 or any integral multiple thereof not exceeding the principal amount of each respective maturity (unless a bond of an odd denomination is required), shall mature annually and shall bear interest semi-annually thereafter on such dates as shall be determined by the City Auditor pursuant to Section 6 hereof, at the rate or rates of interest per annum as may be necessary to sell the same, all as shall be determined by the City Auditor.

SECTION 3. The City Auditor is hereby delegated all of the powers of this Common Council with respect to agreements for credit enhancement, derived from and pursuant to Section 168.00 of the Local Finance Law, for the Refunding Bonds including, but not limited to, the determination of the provider of such credit enhancement facility or facilities and the terms and contents of any agreement or agreements related thereto.

SECTION 4. The Refunding Bonds shall be executed in the name of the City by the manual or facsimile signature of the City Auditor, and the City’s corporate seal (or a

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facsimile thereof) shall be imprinted thereon and attested by the City Clerk. The Refunding Bonds shall contain the recital(s) required by the Refunding Law, and the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form, and contain such recitals, as the City Auditor shall determine.

SECTION 5. It is hereby determined that:

(A) The maximum amount of the Refunding Bonds authorized to be issued pursuant to this resolution does not exceed the limitation imposed by the Local Finance Law; and

(B) The maximum period of probable usefulness permitted by law at the time of the issuance of the Refunded Bonds for each of the objects or purposes for which the Refunded Bonds were issued is as shown in Exhibit B; and

(C) The last installment of the Refunding Bonds will mature not later than the expiration of the maximum period of probable usefulness of each of the objects or purposes for which the Refunded Bonds were issued, or in the alternative, the weighted average remaining period of probable usefulness of the objects or purposes (or classes of objects or purposes) financed with the Refunded Bonds or the weighted average remaining period of probable usefulness of all objects or purposes (or classes of objects or purposes) financed with the Refunded Bonds, in accordance with the provisions of the Refunding Law; and

(D) The estimated present value of the total debt service savings anticipated as a result of the issuance of the Refunding Bonds, computed in accordance with the provisions of the Refunding Law, is as shown in the Refunding Financial Plan described in Section 6 hereof.

SECTION 6. The Refunding Financial Plan, showing the sources and amounts of all moneys required to accomplish such refunding, the estimated present value of the total debt service savings and the basis for the computation of the aforesaid estimated present value of total debt service savings, is set forth in the Refunding Financial Plan, as presented, and such Plan is hereby made a part of this resolution. The Refunding Financial Plan has been prepared based upon the assumption that the Refunding Bonds will be issued in the aggregate principal amount of \$5,205,000 and that the Refunding Bonds will mature, be of such terms, and bear interest as set forth in such Plan. This Common Council recognizes that the amount and/or structure of the Refunding Bonds, and the maturities, terms, and interest rate or rates borne by the Refunding Bonds to be issued by the City will most probably be different from such assumptions and that the final details of the sale will also most probably be different from that attached hereto in such Plan. The City Auditor is hereby authorized and directed to determine the amount and particular maturities of the Refunded Bonds to be refunded, the details as to the redemption of the Refunded Bonds, including the date and amount of such redemption or redemptions and authorizing and directing the Escrow Holder, as hereinafter defined, to cause notice of such redemption, the amount and particular maturities of the Refunding Bonds to be issued, the date of such bonds and the date of issue, maturities and terms thereof, the provisions relating to any redemption of the Refunding Bonds prior to maturity, (including the presence or absence of an early call feature, as referred to above), whether the Refunding Bonds will be insured by a policy or policies of municipal bond insurance or otherwise enhanced by a credit enhancement facility or facilities, the escrow arrangements (if any) to be entered into with respect to the proceeds of the Refunding Bonds, the terms of the private sale of the Refunding Bonds to the Underwriter, the amount of the annual installments of the Refunding Bonds to be paid pursuant to the Refunding Law, whether the Refunding Bonds shall be sold at a discount in the manner authorized by Section 57.00(e) of the Local Finance Law, and the rate or rates of interest to be borne thereby, and to prepare, or cause to be prepared a final Refunding Financial Plan for the Refunding Bonds, whether the Refunding Bonds are sold in conjunction with or consolidated with the issuance of certain other refunding bonds to be issued by the City to refund any other general obligation bonds

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issued by the City (including, but not limited to, the structuring of the annual installments of a consolidated issue), and all powers in connection therewith are hereby delegated to the City Auditor; provided, that the terms of the Refunding Bonds to be issued, including the rate or rates of interest borne thereby, shall comply with the requirements of the Refunding Law.

SECTION 7. The City Auditor shall file a copy of a certificate determining the details of the Refunding Bonds and the final Refunding Financial Plan with the City Clerk not later than ten days after the delivery of the Refunding Bonds, as herein provided.

SECTION 8. The City Auditor is hereby authorized and directed (to the extent required by the Refunding Law) to enter into an escrow contract (the "Escrow Contract") with a bank or trust company located and authorized to do business in this State as he or she shall designate (the "Escrow Holder") for the purpose of having the Escrow Holder act, in connection with the Refunded Bonds, as the escrow holder to perform the services described in the Refunding Law.

SECTION 9. The City Auditor is hereby delegated all of the powers of this Common Council with respect to agreements for credit enhancement, derived from and pursuant to Section 168.00 of the Local Finance Law, for the Refunding Bonds, including, but not limited to the determination of the provider of such credit enhancement facility or facilities and the terms and contents of any agreement or agreements related thereto.

SECTION 10. The faith and credit of the City are hereby irrevocably pledged for the payment of the principal of and interest on the Refunding Bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such Refunding Bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of the City a tax sufficient to pay the principal of and interest on such Refunding Bonds as the same become due and payable.

SECTION 11. All of the proceeds from the sale of the Refunding Bonds, including the premium, if any, but excluding accrued interest thereon, shall immediately upon receipt thereof be placed in escrow with the Escrow Holder. Accrued interest, if any, on the Refunding Bonds shall be paid to the City to be expended to pay interest on the Refunding Bonds on the next bond payment date of such Refunding Bonds. Such proceeds as are deposited in the escrow deposit fund to be created and established pursuant to the Escrow Contract, whether in the form of cash or investments, or both, inclusive of any interest earned from the investment thereof, shall be irrevocably committed and pledged to the payment of the principal of and interest on the Refunded Bonds in accordance with the Refunding Law, and the holders, from time to time, of the Refunded Bonds shall have a lien upon such moneys held by the Escrow Holder. Such pledge and lien shall become valid and binding upon the issuance of the Refunding Bonds and the moneys and investments held by the Escrow Holder for the Refunded Bonds in the escrow deposit fund shall immediately be subject thereto without any further act. Such pledge and lien shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the City irrespective of whether such parties have notice thereof.

SECTION 12. In accordance with the provisions of Section 53.00 of the Local Finance Law, subject to the determination by the City Auditor regarding the redemption of the Refunded Bonds described in Section 6 above, the City hereby elects to redeem the Refunded Bonds with the proceeds of the Refunding Bonds prior to their stated maturity dates on the date or dates provided in the Refunding Financial Plan. The sums to be paid therefor on such redemption date or dates shall be the par value thereof plus the redemption premium, if any, and the accrued interest to such redemption date or dates. The Escrow Holder is hereby authorized and directed to cause notice of such call for redemption to be given in the name of the City in the manner and within the times provided in the Refunding Financial Plan. Upon the issuance of the Refunding Bonds, the election to call in and redeem the Refunded Bonds and the direction to cause notice thereof to be

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given as provided in this section shall become irrevocable, provided that this section may be amended from time to time as may be necessary in order to comply with the publication requirements of Section 53.00(a) of the Local Finance Law, or any successor law thereto.

SECTION 13. The City Auditor is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the Refunding Bonds as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and, if applicable, to designate the Refunding Bonds authorized by this resolution as "qualified tax-exempt obligations" in accordance with Section 265 of the Code.

SECTION 14. The City Auditor is further authorized to enter into a continuing disclosure agreement with the initial purchaser of the Refunding Bonds authorized by this resolution, if required, containing provisions which are satisfactory to such purchaser in compliance with the provisions of Rule 15c2-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

SECTION 15. The City Auditor is further authorized to call in and redeem any outstanding obligations that were authorized hereunder (at such times and in such amounts and maturities as may be deemed appropriate after consultation with City officials and the City's municipal advisor), to approve any related notice of redemption, and to take such actions and execute such documents as may be necessary to effectuate any such calls for redemption pursuant to Section 53.00 of the Local Finance Law, with the understanding that no such call for redemption will be made unless such notice of redemption shall have first been filed with the City Clerk.

SECTION 16. The City hereby determines that the issuance of the Refunding Bonds is a Type II action that will not have a significant effect on the environment and, therefore, no other determination or procedures under the State Environmental Quality Review Act ("SEQRA") is required.

SECTION 17. Subject to compliance with the provisions of the Refunding Law, the Refunding Bonds shall be sold at private sale, and the City Auditor is hereby authorized to negotiate for such private sale. The City Auditor is hereby authorized to execute and deliver, if necessary, a bond purchase agreement with the Underwriter of the Refunding Bonds in the name and on behalf of the City providing the terms and conditions for the sale and delivery of the Refunding Bonds to the Underwriter. After the Refunding Bonds have been duly executed, they shall be delivered by the City Auditor in accordance with the terms of any such bond purchase agreement, upon the receipt by the City of such purchase price specified in the bond purchase agreement, including any premium or accrued interest.

SECTION 18. The City Auditor and City Clerk, the City Attorney and all other officers, employees and agents of the City are hereby authorized and directed for and on behalf of the City to execute and deliver all certificates and other documents, perform all acts and do all things required or contemplated to be executed, performed or done by this resolution or any document or agreement approved hereby, including, but not limited to, the bond purchase agreement.

SECTION 19. All other matters pertaining to the terms and manner and details of issuance of the Refunding Bonds shall be determined by the City Auditor and all powers in connection therewith are hereby delegated to the City Auditor.

SECTION 20. In the event of the absence or unavailability of the City Auditor, the Deputy Auditor is hereby specifically authorized to exercise the powers delegated to the City Auditor in this resolution.

SECTION 21. The City Clerk is hereby authorized and directed to publish this resolution, or a summary thereof, together with a notice in substantially the form provided

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by Section 81.00 of such Local Finance Law, in the official newspaper(s) of the City for such publications.

SECTION 22. *The validity of the Refunding Bonds may be thereafter contested only if:*

(1) (a) *Such obligations are authorized for an object or purpose for which such City is not authorized to expend money, or*

(b) *The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with,*

and an action, suit or proceeding contesting such validity is commenced within 20 days after the date of such publication; or

(2) *Such obligations are authorized in violation of the provisions of the Constitution of New York.*

SECTION 23. *This resolution shall take effect immediately upon its adoption.*

ROLL CALL, AYES ALL. MOTION CARRIED.

Alderman Crawford explained that this really comes at the right time with the proclamation for manufacturing month. He explained that over 100 years ago an entity known as Clark Brothers came to Olean and became the City's largest employer. He explained that they have been known by many different names and owners over time, but their workforce is one of the most skilled in the world. He explained that he was able to see firsthand the skill and dedication of the employees. He explained that the employees and the rest of the community were flipped on their heads to learn of the company's closing, and that losing this pillar of employers is devastating to the City's future. He explained that we now need to fight to replace the key pillar in the community.

Alderman Crawford explained that before the Council tonight is a resolution supporting the soon to be displaced workers and respectfully asking Siemens executives to sell the property to a qualified employer. He explained that he asked that we continue to show support for the many friends and family members who have worked for Siemens, which he will always know as Dresser Rand. He explained that as he hears of multiple bids and offers for the property, he thinks that we need to do all that we can to make the message clear that we can't let this be sold to a developer who will mothball up the property and leave it vacant.

Alderman Gonzalez explained that he worked for Dresser Rand for 9 years, and he was with the Union in the shop every day. He explained that he thinks that this resolution is a great idea and he hopes that it makes a difference. He explained that he will gladly cosponsor with Alderman Crawford. Alderman Witte explained that being at the presentation that Senator Schumer gave reminds her of how important it is to come together as a community. She explained that we went through this with DalTile and AVX, and this really hits home because it is such a large facility. She explained that she was also happy to see some of the County representatives at Senator Schumer's presentation because we need their help in saving these jobs. She explained that we need to have someone buy the facility that will utilize the staff that was there, that has been trained and is willing and able to do the job. She explained that Olean needs these jobs and we need to support these people.

Alderman Crawford explained that he has sent many emails that have gone unanswered because he doesn't imagine that the CEO of Siemens will respond to Alderman John Crawford, but he is always respectful and the message is always the same. He asks that Siemens does us one parting favor and sell to a company who will keep jobs in Olean. He is asking for everyone's support on this.

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Alderman Anastasia explained that he thinks that this is a good resolution and he recommends that the Mayor contact the County to see if they will pass one as well. He also asked that the resolution be sent to the majority leader's offices.

RESOLUTION #75-21

PL #NONE

By Aldermen Crawford, Witte, Panus, Gonzalez, Barnard, Robinson, and Anastasia

TO SUPPORT THE DISPLACED EMPLOYEES AND MANUFACTURING WORKFORCE OF SIEMENS ENERGY (OLEAN) AND TO REQUEST THAT SIEMENS ENERGY AG SELL ITS OLEAN FACILITY TO A COMPANY THAT WILL INVEST IN OUR OPERATION, WORKFORCE, AND COMMUNITY.

WHEREAS, Siemens Energy AG has declared that it will downsize its Olean manufacturing facility, eliminating more than 500 jobs from its Olean operation starting in 2022, after serving the community for more than 100 years in compressor manufacturing; and

WHEREAS, the Common Council supports the Siemens Energy Employees and the USW Local 4601 and seeks to support its local labor force, which is critical for the continued revitalization of the City;

RESOLVED, that the Olean Common Council respectfully requests that Siemens Energy AG and its Board of Directors assist its Olean stakeholders by selling the Olean facility to a company that will retain manufacturing as its core business and employ hardworking and skilled USW personnel.

RESOLVED, that this Resolution be effective immediately.

ROLL CALL, AYES ALL. MOTION CARRIED.

Alderman Witte explained that Olean is an aging community and for us to survive we need to grow and attract young people. She explained that this is the future and we need to move forward.

RESOLUTION #76-21

PL #NONE

By Alderman Crawford, Seconded by Alderman Witte

TO AUTHORIZE THE MAYOR TO SUBMIT APPLICATIONS THROUGH NATIONAL GRID AND THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION FOR COSTS ASSOCIATED WITH THE PHYSICAL UNITS AND INFRASTRUCTURE INSTALLATIONS OF ELECTRIC CAR CHARGING STATIONS IN CITY OF OLEAN PUBLIC PARKING AREAS

RESOLVED, that the Common Council of the City of Olean authorizes the Mayor to submit applications to National Grid and the New York State Department of Environmental Conservation for costs associated with the physical units and infrastructure installations of electric car charging stations in City of Olean public parking areas.

RESOLVED, that this Resolution is hereby effective immediately.

ROLL CALL, AYES ALL. MOTION CARRIED.

ADJOURNMENT

Mayor Aiello explained that there was a volunteer appreciation pizza party for Lila Ervay, who has spent 24 years volunteering on the streets cleaning. He explained that he wants to make an annual award in Lila's name for volunteers.

Journal of Proceedings

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

October 12, 2021

Mayor Aiello explained that Halloween night, candy will be handed out at Lincoln Park for both drive through and walk up from 4pm to 6pm, with regular trick or treating from 6pm to 8pm.

Motion to adjourn was made by Alderman Crawford, seconded by Alderman Gonzalez. Voice vote, ayes all. Motion carried. Meeting adjourned at approximately 8:00 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