

Journal of Proceedings

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

October 26, 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 26, 2021 at 6:45 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, 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 & APPROVAL OF THE MINUTES OF THE
PREVIOUS REGULAR MEETING**

A motion to approve the minutes of the October 12, 2021 meeting was made by Alderman Crawford, seconded by Alderman Panus. Voice vote, ayes all. Motion carried.

COMMITTEE REPORTS & UNFINISHED COUNCIL BUSINESS

Report from Committee of the Whole on PL #68-21, to designate Mayor William Aiello as the Authorized Representative to execute all necessary agreements, contracts and documents associated with the Coronavirus Response Relief Supplemental Appropriations Act (CRRSA) funding at the Cattaraugus County – Olean Airport. Committee recommends approval. Referred to City Attorney for Resolution.

Report from Committee of the Whole on PL #69-21, to designate Mayor William Aiello as the Authorized Representative to execute all necessary agreements, contracts and documents associated with the American Rescue Plan Act (ARPA) funding at the Cattaraugus County – Olean Airport. Committee recommends approval. Referred to City Attorney for Resolution.

Report from Committee of the Whole on PL #70-21, to designate Mayor William Aiello as the Authorized Representative to execute all necessary agreements, contracts and documents associated with the Coronavirus Aid, Relief, and Economic Security Act (CARES) funding at the Cattaraugus County – Olean Airport. Committee recommends approval. Referred to City Attorney for Resolution.

Report from Committee of the Whole on PL #71-21, to amend the City of Olean Code of Ordinances Section 24-135 to include the north side of Washington Street at its east corner with Worden Avenue and at its east corner with Winters Avenue. Committee recommends approval. Referred to City Attorney for Resolution.

COMMUNICATIONS FROM THE MAYOR

Mayor Aiello introduced Max Wolfe, a Senior at Olean High School who is doing an internship with the City to learn more about the government

MISCELLANEOUS COMMUNICATIONS

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None

CITY OFFICIAL REPORTS

None

PROPOSED LEGISLATION AND REFERRALS

PL #66-21: (Crawford) To authorize the installation of a streetlight on pole #32 on the 900 block of West Henley Street. Referred to Regular Meeting Tuesday, October 26, 2021 for Resolution by Council President.

PL #67-21: (Crawford) To designate the times for Common Council Meetings to be 6:00 p.m. Referred to Regular Meeting Tuesday, October 26, 2021 for Resolution by Council President.

PL #68-21: (Aiello) To designate Mayor William Aiello as the Authorized Representative to execute all necessary agreements, contracts and documents associated with the Coronavirus Response Relief Supplemental Appropriations Act (CRRSA) funding at the Cattaraugus County – Olean Airport. Referred to Committee of the Whole Tuesday, October 26, 2021 by Council President.

PL #69-21: (Aiello) To designate Mayor William Aiello as the Authorized Representative to execute all necessary agreements, contracts and documents associated with the American Rescue Plan Act (ARPA) funding at the Cattaraugus County – Olean Airport. Referred to Committee of the Whole Tuesday, October 26, 2021 by Council President.

PL #70-21: (Aiello) To designate Mayor William Aiello as the Authorized Representative to execute all necessary agreements, contracts and documents associated with the Coronavirus Aid, Relief, and Economic Security Act (CARES) funding at the Cattaraugus County – Olean Airport. Referred to Committee of the Whole Tuesday, October 26, 2021 by Council President.

PL #71-21: (Crawford) To amend the City of Olean Code of Ordinances Section 24-135 to include the north side of Washington Street at its east corner with Worden Avenue and at its east corner with Winters Avenue. Referred to Committee of the Whole Tuesday, October 26, 2021 by Council President.

PUBLIC COMMENT/INPUT

Ben Hollamby of 3021 West River Road in Olean, the Vice President of Olean Community Theater, explained that there was a mishap in the filing of the deed at the Assessor's Office for the building the OCT recently purchased. He explained that they had never actually received mail from the City and so they did not have an exemption filed in time. They are requesting a relief for the taxes on the property and sent an email about three weeks ago about this. He explained that they missed grievance day and the mail was going to the other theater in town. He explained that they would like to bring this to the Council's attention and explained that any relief the Council could provide would mean a lot. He would hate to see the organization fall apart because of a filing mistake.

FINANCE / BILLS

By Alderman Witte, Seconded by Alderman Panus

The Auditor has processed bills and claims against the City of Olean as per list

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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 \$1,759,446.34 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

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 #69-21 and #82-21 was made by Alderman Crawford, seconded by Alderman Robinson. Voice vote, ayes all. Motion carried.

Alderman Crawford explained that the Council received an update from a resident of West State Street who brought to the Council's attention a darker part of the street where a drug deal had gone bad. He explained that he did go over and that part of the tree canopy in that area is blocking the streetlights. He explained that he talked to the other residents and as such is requesting the installation of this light. He explained that he has spoken to Mr. Ring who has no issues, and with the conversion of lights to LED's the cost is really minimal going forward.

RESOLUTION #77-21

PL #66-21

By Alderman Crawford, Seconded by Alderman Anastasia

AUTHORIZING THE INSTALLATION OF A STREET LIGHT ON NATIONAL GRID POLE #32 ON WEST HENLEY STREET

WHEREAS, the public safety, health and welfare of the citizens of the City of Olean would be served if street lights be installed on National Grid pole #32 on West Henley Street Street;

RESOLVED, that the Common Council of the City of Olean directs that a LED Type C (48-w) street light be installed on National Grid pole #32 on West Henley Street, to be billed to the City's SC-2 energy bill.

RESOLVED, that this Resolution will be effective immediately.

ROLL CALL, AYES ALL. MOTION CARRIED.

Alderman Crawford explained that this was discussed in committee last week, and that a formal resolution is needed to amend the Regular Meeting time. He explained that from here on out, this will move Regular Meetings to 6:00 p.m. and that the committees will be held at 6:30 p.m. as well to keep consistency across the board.

RESOLUTION #78-21

PL #67-21

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By Alderman Crawford, Seconded by Alderman Gonzalez

TO DESIGNATE THE TIMES FOR THE COMMON COUNCIL MEETINGS TO BE 6:00 P.M.

WHEREAS, Chapter 2, Section 2-38 of the City of Olean Code of Ordinances designates that the Common Council may designate the time of Regular Common Council meetings held the second and fourth Tuesday of the month; and

WHEREAS, the Common Council has determined that to best serve their constituents, meetings should be held regularly at 6:00 p.m.;

BE IT RESOLVED, that the Common Council hereby designates the times for regular Common Council Meetings to be 6:00 p.m.

RESOLVED, that this Resolution shall take effect immediately.

ROLL CALL, AYES ALL. MOTION CARRIED.

RESOLUTION #79-21

PL #68-21

By Alderman Witte, Seconded by Alderman Anastasia

TO DESIGNATE MAYOR WILLIAM AIELLO AS THE AUTHORIZED REPRESENTATIVE FOR THE CORONAVIRUS RELIEF SUPPLEMENTAL APPROPRIATIONS ACT (CRRSA) FUNDING FOR THE CATTARAUGUS COUNTY – OLEAN AIRPORT

WHEREAS, the City of Olean has received \$13,000 in funding for the operations, personnel, cleaning, sanitation, and janitorial services in combating the spread of pathogens at the airport; and

WHEREAS, said funding is being provided through the Coronavirus Relief Supplemental Appropriations Act (CRRSA);

BE IT RESOLVED, that the Common Council hereby designates that Mayor William Aiello shall act as the Authorized Representative for the Coronavirus Relief Supplemental Appropriations Act (CRRSA) Funding for the Cattaraugus County- Olean Airport.

RESOLVED, that the Common Council authorizes that the Mayor, as the representative designated to act on behalf of the City of Olean in all matters related to the CRRSA funding at the airport, is authorized to sign and submit all necessary agreements, contracts, and documents in relation to said funding.

RESOLVED, that this Resolution shall be effective immediately.

ROLL CALL, AYES ALL. MOTION CARRIED.

RESOLUTION #80-21

PL #69-21

By Alderman Panus, Seconded by Alderman Barnard

TO DESIGNATE MAYOR WILLIAM AIELLO AS THE AUTHORIZED REPRESENTATIVE FOR THE AMERICAN RESCUE PLAN ACT (ARPA) FUNDING FOR THE CATTARAUGUS COUNTY – OLEAN AIRPORT

WHEREAS, the City of Olean has received \$32,000 in funding through the American Rescue Plan Act (ARPA) for the Cattaraugus County – Olean Airport;

BE IT RESOLVED, that the Common Council hereby designates that Mayor William Aiello shall act as the Authorized Representative for the American Rescue Plan Act (ARPA) Funding for the Cattaraugus County- Olean Airport.

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RESOLVED, that the Common Council authorizes that the Mayor, as the representative designated to act on behalf of the City of Olean in all matters related to the ARPA funding at the airport, is authorized to sign and submit all necessary agreements, contracts, and documents in relation to said funding.

RESOLVED, that this Resolution shall be effective immediately.

ROLL CALL, AYES ALL. MOTION CARRIED.

RESOLUTION #81-21

PL #70-21

By Alderman Crawford, Seconded by Alderman Witte

TO DESIGNATE MAYOR WILLIAM AIELLO AS THE AUTHORIZED REPRESENTATIVE FOR THE CORONAVIRUS AID, RELIEF, AND ECONOMIC SECURITY ACT (CARES) FUNDING FOR THE CATTARAUGUS COUNTY – OLEAN AIRPORT

WHEREAS, the City of Olean has received \$30,000 in funding through the Coronavirus Aid, Relief, and Economic Security Act (CARES) for the Cattaraugus County – Olean Airport;

BE IT RESOLVED, that the Common Council hereby designates that Mayor William Aiello shall act as the Authorized Representative for the Coronavirus Aid, Relief, and Economic Security Act (CARES) Funding for the Cattaraugus County- Olean Airport.

RESOLVED, that the Common Council authorizes that the Mayor, as the representative designated to act on behalf of the City of Olean in all matters related to the CARES funding at the airport, is authorized to sign and submit all necessary agreements, contracts, and documents in relation to said funding.

RESOLVED, that this Resolution shall be effective immediately.

ROLL CALL, AYES ALL. MOTION CARRIED.

Alderman Crawford explained that this was previously discussed in committee, and this resolution goes along with the updated contract with Casella Waste. He explained that it allows for the use of stickers as well as totes with a monthly fee, and it also gives exclusive rights for collection of residential garbage and recycling in the City.

RESOLUTION #69-21

PL #60-21

By Alderman Witte, Seconded by Alderman Panus

TO AMEND CHAPTER 20 OF THE CITY OF OLEAN CODE OF ORDINANCES, SOLID WASTE MANAGEMENT AND RECYCLING

RESOLVED, that Chapter 20, Section 20-1 of the City of Olean Code of Ordinances is hereby amended to include the following:

Tote A 32, 64, or 96 gallon garbage bin to be provided by the City of Olean's solid waste management and recycling contractor and billed directly to the customer at the monthly contract rate

RESOLVED, that Chapter 20, Article II is hereby amended as follows:

Sec. 20-36 Distinctively labeled stickers and contractor provided totes – Use.

Unless otherwise provided by the City solid waste management program, it shall be the duty of all persons utilizing city-operated or city-contracted disposal services for disposal of refuse to separate refuse from waste, and to prepare, place, and seal such refuse in containers authorized by the rules and regulations of the City solid waste management

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program. The City shall have no obligation to remove any refuse placed for collection, unless there has been attached to or affixed thereto a distinctively labeled sticker having a value at least equivalent to the volume of refuse to be collected, OR the refuse placed for collection is placed in a tote provided by the Contractor in the size chosen by the resident,. Billed directly to the customer at the monthly contract rate. No person shall duplicate or imitate any distinctively labeled sticker issued by the City. No person shall give, sell, or issue a duplicated or imitated distinctively labeled sticker. Any prohibited action of this section shall be unlawful.

Sec. 20-37 Same – Use by nonresidents.

It shall be unlawful for nonresidents of the City to purchase or otherwise use the distinctively labeled stickers for the purpose of depositing garbage and trash in the City for collection and disposal.

Sec. 20-38 Same – Reuse prohibited.

It shall be unlawful to reuse, or permit to be reused, a distinctively labeled sticker that has previously been collected by the City operated waste disposal program.

Sec. 20-39 Exclusive rights for curbside collection of refuse and recyclables from City of Olean residential premises.

The City hereby grants to the Contractor the exclusive franchise, license and privilege to collect, haul and dispose of Municipal Solid Waste from Residential Units requiring manual collection over, upon along and across the City's present and future streets, alleys, bridges and public properties.

RESOLVED, that this Resolution shall be effective immediately.

ROLL CALL, AYES ALL. MOTION CARRIED.

Alderman Crawford explained that this Resolution was brought forward to support the Olean City School District students and their rights as outlined in the Olean City School District's Code of Conduct. Alderman Robinson explained that this is something that he feels like a lot of people want to shy away from and he has never been one to shy away from a fight or controversy. He explained that he is encouraging the Council to step up and do the same. He explained that we showed up to rally for students but were silent, and he has been battling with that silence since then. He explained that he feels that we should show students that we should not remain silent. He explained that this is not political and not about politics, and that this is about the community. He explained that we should protect and shield our children from harm and show that they are not alone. We should stand up for what is right. He explained that we are stronger together so let's all sponsor this to show students, parents, and the rest of the community that we are here to support safety and rights along with the OCSD Code of Conduct.

Alderman Witte explained that she does not feel that we need a resolution to support something and she suggest that we don't have a resolution, but to just say that we support it. She explained that she had four children that went through this school district. She explained that once we put the resolution out there, we put our name on telling another elected body what to do. She explained that she was not elected to the school board and that is not her job. She doesn't feel that we need a resolution to say that we support our kids, and she feels that this is opening a can of worms.

Alderman Gonzalez agreed with Alderman Witte. He explained that when he reads the resolution he supports what it says. He is aware of the controversy at the school and personally feels that this person should not be employed there, but there is already an elected body in place to make sure that these rights are upheld. He explained that he thinks

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that this is empty and toothless and does nothing but weigh us in on a controversy. Alderman Robinson explained that if these are empty words and don't do anything then there should be no fear in supporting them.

Alderman Crawford explained that personally, he knows that we have all felt the unsettled emotion in our community. HE explained that a couple of weeks ago he tried to remind us as a community about how we are a Charter for Compassion City. He explained that he doesn't know if he has any issues with what is being stated here because this is an existing policy and he doesn't necessarily have an issue with supporting that. He explained that he thinks that the points that Aldermen Gonzalez and Witte are making are well taken as well. He explained that if he thought that this was in some way communicating to another elected board to do the opposite of what the policy is, he would be against that but he doesn't see that here.

Alderman Anastasia explained that we aren't telling the school board what to do and we aren't trying to change things. We are just reiterating the policy. Alderman Gonzalez explained that he wonders if the Council would feel the same way if this was the other way around. Alderman Witte explained that she just feels we are opening a can of worms. People look on the school website and see this, and it is common sense. She explained that this is a feel good thing and good for us but it puts us in a really bad position in a way. She explained that when the City does something wrong, they could come in and do the same thing to us. We can make a statement without a resolution, and we don't need a formal resolution to support our kids. Alderman Gonzalez explained that it is all around inappropriate for one legislative body to make a resolution directing another.

Alderman Robinson explained that we are not saying that anyone did anything wrong in this resolution. He explained that he just wanted the Council to come together and go along with the resolution, but this is interesting.

A motion to table the resolution was made by Alderman Gonzalez, seconded by Alderman Witte. Voice vote, ayes Alderman Gonzalez, Alderman Witte; nays, Alderman Panus, Alderman Barnard, Alderman Robinson, Alderman Robinson, and Alderman Anastasia. Motion defeated.

RESOLUTION #82-21

PL #NONE

By Alderman Robinson, Seconded by Alderman Anastasia

TO SUPPORT THE OLEAN CITY SCHOOL DISTRICT STUDENTS AND THEIR RIGHTS AS OUTLINED IN THE OLEAN CITY SCHOOL DISTRICT'S CODE OF CONDUCT

WHEREAS, the Olean City School District's Code of Conduct states that students' rights are:

I have a right to be happy and to be treated with kindness.

I have a right to be myself.

I have a right to be safe.

I have a right to hear and be heard.

I have a right to learn.

I have a right to a pleasant environment in this school.

I have a right to work in this school.

I have a right to a drug and alcohol-free school.

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WHEREAS, the Olean Common Council supports the Olean City School students and the Olean City School District and seeks to support these rights as well as the safety and welfare of all of our children, which are critical to their vested future;

RESOLVED, that the Olean Common Council respectfully requests the Olean City School District to always honor the Code of Conduct that they've set forth and maintain the integrity of their sworn promises.

RESOLVED, that this Resolution be effective immediately.

ROLL CALL, AYES ALL EXCEPT ALDERMEN WITTE AND GONZALEZ, WHO VOTED NAY. MOTION CARRIED.

ADJOURNMENT

Motion to adjourn was made by Alderman Crawford, seconded by Alderman Robinson. Voice vote, ayes all. Motion carried. Meeting adjourned at approximately 7:20 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