

CITY OPERATIONS

Tuesday, July 17, 2018 – 6:55 p.m.

Police Training Room – Olean Municipal Building

Present: Members: Chairman Smith, Vice Chair Witte, Alderman Crawford, and Alderman George. Others: Alderman Gonzalez; Alderman Andreano; Mayor William Aiello; Nicholas DiCerbo, Jr., City Attorney; Fred Saradin, City Auditor; Keri Kerper, Community Development Program Coordinator; Bob Ring, Director of Public Works; Bob Bell, Fire Chief; Jeff Rowley, Police Chief, and Tiffany Taylor, Managerial Confidential Administrative Secretary.

1. Roll Call

Alderman Smith called the meeting to order at 6:55 p.m. and asked that the record show that all committee members were present except Alderman Dougherty, who was excused.

2. Approval of Minutes of the Previous Committee Meeting (Tuesday, June 19, 2018)

A motion to approve the minutes of the June 19, 2018 meeting was made by Alderman Smith, seconded by Alderman George. Voice vote, ayes all. Motion carried.

3. Unfinished Business

- a. PL #46-18: (Crawford) To order the removal of the structure located at 305 North Seventh Street.

Alderman Crawford stated that, after receiving the quote for demolition on the property, we are looking into other avenues to deal with this building. There is an interested neighbor that has reached out to the City, and we will attempt to get a tour scheduled so that they can see the property.

A motion to postpone PL #46-18 indefinitely was made by Alderman Crawford, seconded by Alderman George. Voice vote, ayes all. Motion carried.

4. New Referrals for Consideration

- a. PL #65-18: (Smith) To amend the City of Olean Code of Ordinances Chapter 21, Article III, and Chapter 22, Article VI, Section 22-141, to amend requirements for the tree board and tree planting rules and regulations.

Alderman Smith stated that this was discussed previously, and provided for each committee member a copy of the proposed legislation changes. He stated that, in a nutshell, Mr. Ring and Ms. Cooper compiled the proposed legislation to set Olean up for future generations so issues don't occur with trees like we have now. This legislation will also rejuvenate the tree board.

Mr. Ring stated that the tree board has always been in the Code, but it has not been used in some time. He does propose consolidating the tree board into fewer members.

Alderman Smith asked if the tree board makes decisions, or the City Forester. Mr. DiCerbo replied that the Forester makes recommendations to the tree board, and the tree board makes decisions based on the recommendation. Alderman Smith responded that he likes the idea of taking the pressure of the Forester being the only one who has to make a decision.

Alderman George asked when the last time the tree board was utilized, and Mr. DiCerbo replied that it was probably prior to the City beginning the funding of tree pruning and removal in the right of way.

Alderman Smith added that the legislation also tightens tree planting rules and regulations.

Alderman Witte expressed that she is surprised that a resident would plant a tree in a 2 foot subway. She agrees that this needs to be addressed in the Code and enforced.

Alderman Smith reiterated that it would be easier for a committee to make decisions than one person.

Alderman Crawford stated that he feels that this is a good idea. He stated that it makes sense that tree trimming cost should fall on homeowners. He feels that there should be an additional section in the Code regarding tree removals, and that the City should split the expense with a property owner if the City directs the property owner to remove the tree. He explained that the issue of tree removal comes up time and time again, and he feels that putting the entire burden of tree removal on a homeowner, it is too much of a burden. The City should compromise and split the cost.

Alderman Smith explained that in the current Code, it is the property owner's responsibility. Mr. DiCerbo added that it has been this way in the Code for more than thirty years., but it has not been followed in quite some time.

Alderman Smith stated that he feels that residents will want to remove more subway trees than the tree board would want to remove, and questioned if the City would only share the cost if the tree board orders the removal of the tree. Mr. DiCerbo stated that a property owner cannot go to the tree board and ask that they order that they take their own tree down. A resident will, however, need to ask permission to remove the tree if the tree board did not order the removal.

Alderman Andreano stated that with the tree board, if a resident sees a dangerous tree on a neighboring property, they can contact the City to have the tree board make the decision regarding whether or not the tree should be ordered down.

Alderman Smith asked if everyone likes the idea of a 50/50 split for the removal of a tree when the tree board orders it down, and Mr. Ring mentioned that the City Forester would take this cost from her budget. The general consensus was to amend the legislation to include this.

Alderman Crawford clarified that the 50//50 cost split is not for pruning, only for tree removal. Alderman Witte explained that if you want a perfectly healthy tree removed from the subway, if the tree board approves the removal, you will be responsible for the removal yourself. Mr. DiCerbo mentioned that if a tree is considered valuable to the street, the tree board could deny the permit to have it removed.

A motion to postpone PL #65-18 to the next City Operations Committee meeting was made by Alderman Smith, seconded by Alderman Crawford. Voice vote, ayes all. Motion carried.

b. Discussions

i. Tree Funding

Discussed previously.

ii. Tree Removal – West State Street

Alderman Smith explained that he has received a request from a gentleman at the car dealership across the street from Tasta Pizza to remove a tree. He presented photos to the committee, which showed that the tree blocks the view of the business's sign on both sides. He stated that the property owner is willing to pay for the cost of the removal. There are also very few, if any, trees in this corridor of the roadway.

A motion to allow for the removal of the tree effective upon the filing of a permit with the Department of Public Works was made by Alderman Smith, seconded by Alderman George. Voice vote, ayes all. Motion carried.

iii. OATS Bus Purchase Agreement (PL #74-18)

Ms. Kerper explained that the OATS Bus Purchase is funded 80% from Federal funds, 10% from State funds, and 10% from local funds. However, she was able to find additional Accelerated Transit Capital funding from the Department of Transportation's 2017 program, so there is no local match this year. She mentioned that the local match, historically, is funded by the partners in the program, and not the City.

A PL and Resolution will be introduced at the next regular Council meeting.

iv. Noise

Alderman Andreano explained that she is bringing up this issue because all of the Aldermen get calls regarding noise. We currently do not have a solid noise ordinance, and we need to start thinking about the issue. She knows that this is a complicated issue, but she has received several noise calls this summer and something needs to be done. This is a starting point.

Alderman Andreano continued explaining that she has looked at ordinances in towns surrounding Olean, and some are very concrete. She presented copies of various ordinances to the committee for review.

Alderman Witte stated that this issue does come up often.

Alderman Andreano recalled that using decibels to measure noise was discussed in previous meetings, but she has not read ordinances from other towns or cities that mention decibels. She has run into issues with commercial properties abutting residential properties, using the sidewalk café rules as a reference when they have late night bands or other loud noises. She explained that she feels that this is a totally different issue.

Mr. DiCerbo explained that one thing that the City should check on is the enforcement and conviction rate of laws in other municipalities. He is concerned regarding the conviction possibilities of a noise ordinance.

Alderman Andreano agreed; however, she feels that we have pressure from residents, and it is the Council's job to try to create a law that protects tax payers in the City. She understands that there will always be neighbor noise, especially since we are a tight City. She does not want to create neighbor versus neighbor issues, but we have to decide how to address this. We do have a noise issue.

Alderman Crawford asked why a noise ordinance wasn't created when this issue arose in previous cases. Alderman Andreano mentioned that the last time this was brought up, the person who spearheaded the effort left the Council, and the issue was not brought up again until now.

Alderman Gonzalez explained that he sees a lot of people approach the Council with "speeding" issues, when someone is really only driving the speed limit or a mile or two an hour above it. He thinks that a lot of the noise complaints that we receive are similar, and that it is not as bad as a caller makes it out to be.

Mr. DiCerbo questioned how you quantify the noise, and Alderman Andreano responded that she does not feel that it is a noise level issue, but rather a time issue.

Alderman Gonzalez stated that he feels that we need to think about potential unforeseen consequences of creating a strict ordinance. The ordinance could be unenforceable and unfair, as well as create neighbor versus neighbor issues.

Alderman Andreano explained that we have an obligation to listen to the people who elected the Aldermen into office. Like the recent inspection policy, we are dealing with a City where a lot of people have a blatant disregard for other people.

Mr. DiCerbo gave the example that the LaGuardia and Kennedy airports will not allow flying in an out after 11 p.m. to prevent noise issues in surrounding neighborhoods.

Alderman Crawford stated that he is interested in reading what has been presented, and looking into this further. He would like to discuss enforcement with Chief Rowley, and see examples of municipalities effectively using these ordinances. He would like to see if this is doable or not.

Alderman Gonzalez explained that he feels an ordinance such as this will foster a bad neighbor situation. Music is turned down when the police come, only to be turned back up again after they leave. Chief Rowley explained that when windows are open and loud music is playing, you can go to the door, but you can't ticket anyone if no one answers. The enforcement for this issue is very tricky.

Alderman Crawford stated that if we have no speed limit on the highway, people can drive however fast they want to. If there is a speed limit, people will still speed, but it will be a deterrent.

Chief Rowley explained that one major issue is that when people call, they will not give a name or sign a statement. The Judge wants to see two people in the neighborhood sign a complaint. The department has used disorderly conduct charges for noise issues, but usually the officer first need to go several times and ask that the noise be quieted down first. Again, if there is loud music and no one answers the door, then they don't know who to charge. Even if this ordinance is passed, there would be issues.

Alderman Smith stated that it is worthwhile to look into this more. Forty or fifty years ago, it was never thought that a law like this would be needed. Civility has crept out of society.

Mayor Aiello explained that whatever we do, needs to be enforced and enforceable.

v. Sidewalk Program

Alderman Crawford explained that we set aside money for a sidewalk replacement program, but have not done anything since that time. He has been approached by a family on Henley

Street who needs to have their sidewalk replaced, and is interested in the funding opportunity with the City. We need to hammer down the specifications of the funding. Alderman Crawford continued that he is up for suggestions, thoughts, and comments. He is looking into a sort of revolving loan fund that is interest free, with a payback time of two to three years.

5. Approval of Committee Reports

A motion to approve committee reports was made by Alderman Smith, seconded by Alderman George. Voice vote, ayes all. Motion carried.

6. Adjournment

A motion to adjourn was made by Alderman Smith, seconded by Alderman Crawford. Voice vote, ayes all. Motion carried. Meeting adjourned at approximately 7:45 p.m.