

COMMITTEE OF THE WHOLE MEETING MINUTES

October 2, 2018 – 6:40: p.m.

POLICE TRAINING ROOM– OLEAN MUNICIPAL BUILDING

IN ATTENDANCE WERE: ALDERMEN CRAWFORD, WITTE, ANDREANO, GONZALEZ, DOUGHERTY, SMITH, AND GEORGE. OTHERS: NICHOLAS DICERBO. JR., CITY ATTORNEY; FRED SARADIN, CITY AUDITOR; BOB BELL, FIRE CHIEF, JEFF ROWLEY, POLICE CHIEF, BOB RING, DPW DIRECTOR AND MICHIKO McELFRESH, SECRETARY TO THE MAYOR.

1. Alderman Crawford called the meeting to order at 6:40 p.m. and asked that the record show that all Aldermen were present.
2. A motion was made by Alderman Crawford to approve the minutes of the September 25 Meeting, Seconded by Alderman Witte. Voice Vote, all ayes.
3. Unfinished Business

None
4. New Referrals for consideration
 - a. Discussion Item: Charter Referendum

Alderman Crawford stated that he did not expect a huge discussion on this topic. He wanted to follow-up on the regular meeting. The Council decided to postpone indefinitely the discussion on the salary increases. He said that his constituents said that they wanted a say in the process of the increase. And then the discussion went further to include talk about looking at the structure of our government— the idea of a charter revision came out of that. He said that he passed out the booklets from the state website that discusses how to initiate a charter revision. He said that the council is not pressured on the matter because he did research on how to get it on the ballot in Nov. To do so the Council would have had to be approve a local law regarding it on Monday, Oct. 1, 2018 by 5:30.

Alderman Crawford said that this was a solution to see if we have the best form of government and if after 25 years we should look at it again.

Mayor Aiello said that he is happy to put together a Charter Committee that would look it over and decide if it does need to be revised. He agreed that there is time. He would like to solicit a diverse group of people to be on the Committee. He said that no politicians should be on the committee. Mayor Aiello said that he has a list of at least 15 who would be interested on serving on the Committee. He said that the last time there were 9 people on it. He thought that maybe it would be a good idea if they could get someone who was on the original committee, perhaps Jack Hart.

Alderman Crawford clarified the 1991-1994 Charter review. Mayor Aiello confirmed

Mayor Aiello said that this could be a very inexpensive idea. The Council would set a time, when the Committee would get back to them with the Committee's suggestions.

Alderman Gonzalez thought that was a good idea, but suggested that the Council nominate people to be on the committee. He also asked, if this different that the vote into the referendum to have the charter review. He asked wonder if it was not side stepping the process.

City Attorney DeCerbo said that there are three options:

1. The Council can do a resolution amongst themselves to establish a charter commission;
2. The Council can do a resolution for a local law that establishes a referendum to set up a commission;n
3. The Mayor can file with the clerk a list of 9 -15 names of people to establish a commission.

Alderman Crawford said that the two ways that he is leaning toward, the Mayor brought it up in his campaign to establish a Commission. It could takes one to two years do finish the project and he is afraid that people will invest time in effort in it and the residents would not be in favor of the revision. So the route he thinks is better is if the Council passes a local law for a referendum so the people of Olean could go and vote before the commission is formed and say that they are in favor of looking at the charter.

He added that there are pros and cons for both. He hopes that they can work together to come to a good solution. Alderman Crawford said that they can do both, as the New York City is currently doing.

Alderman Andreano said that she went through the book and asked, what is the harm to take it out to a referdum? To see if the voters want it and then the Mayor appoints the commission?

Mr. DeCerbo said that the local law you have to set up the parameters of the appointments—ie will the members be elected or appointed. It is not simply a yes or no vote.

Mr. Crawford said that he thinks that if the thing passes each member could appoint one person and the mayor can appoint as well.

Alderman Andreano said to make it fair and to explain it to Mayor Aiello said that if it passes the alderman can each appoint 1 member on the committee and the Mayor can appoint the balance.

Alderman Andreano had a question about the number of people and Mr. DeCerbo explained that there is actually a fourth way to have a charter, and that is when the residents petition a charter referendum.

Mr. DeCerbo is waiting for clarification, but he doesn't believe it is necessary to do a referendum during the general election. Aldermen Andreano and Crawford concurred.

There was a discussion about the cost. It was determined that the Board of Elections would pay for the referendum

Alderman Smith said that a referendum is not necessarily the only way the residents have a say. He explained that in a representative government, council members are voted to represent their constituents. He said that if they decided the Mayoral or Council appointed charter commission, the people do have a say, they are being represented as they elected us to make these decisions.

Alderman Crawford said that he does not want to waste the time of the charter committee members if the people do not want to change the Charter.

Alderman Smith said that it is the job of the alderman to figure it all out and decide how to proceed.

Alderman Gonzalez mentioned the school board, he said that they are all elected said that their budgets have to be passed, he wondered how that is different. Mayor Aiello said that it is State law – in the past the board members did pass a budget, but the state made the budget go to the voters.

Alderman Smith added that voter turnout is very low in the budget vote.

Mayor Aiello addressed Alderman Crawford's point said that they could say that yes they want a review, but still turn down the new Charter.

Alderman Gonzalez agreed that the Charter could be voted down, which means the residents rejected the work that was done to the charter—not the notion of a Charter Review.

Alderman Dougherty that they would be turning down the work that the Commission did—it was not what the general public saw fit. For example the Committee did not do its job.

Mayor Aiello said that you are going to have no input until the very end. It does not necessarily mean that the Committee did not do its job.

Alderman George said that it not going to be short process. He thinks that by going to the public to see if they want a charter revision would be a good idea.

Alderman Crawford said that he was approached by someone after the meeting, who wondered why they are talking about change. He responded with an analogy about changing oil. He said that it is a proactive measure. And he likes the idea of the more say for the residents.

Alderman Andreano said that there are the strengths and weaknesses in each form of the government, however there is data to supply which is better

A motion to adjourn was made by Alderman Crawford, seconded by Alderman Witte. Voice vote, ayes all. Motion carried. Meeting adjourned at approximately 7:01.