

COMMITTEE OF THE WHOLE

Tuesday, April 2, 2019 – 6:05 p.m.

Police Training Room – Olean Municipal Building

Present Members: Alderman Crawford, Alderman Witte, Alderman Andreano, Alderman Gonzalez, Alderman Dougherty, Alderman Smith, and Alderman George. Others: Mayor William Aiello; Nicholas DiCerbo, Jr., City Attorney; Fred Saradin, City Auditor; 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 Crawford called the meeting to order at 6:05 p.m. and asked that the record show that all committee members were present.

2. Unfinished Business

a. PL #24-19: (Crawford) To establish the City of Olean Sidewalk Rebate Program.

Alderman Crawford explained that he has taken the Council's feedback into consideration, and has been working with Mr. Ring and Mr. DiCerbo to prepare the Policy that is presented tonight. He explained that he has taken out any verbage related to "appearance". He noted that he would also like to transfer the remaining funding necessary to bring the account balance up to \$50,000, and that he does not believe that the \$17,500 has been spent in the mosquito spraying line item, so this is a possible source for the transfer. Mr. Saradin noted that the Council would need to bring forth a Resolution to transfer the funding.

Alderman Crawford explained that the rebate would be a form of assistance that will be paid to the homeowner when the work has been completed and inspected. The program is available to homeowners of owner occupied single family homes or duplexes; however, in the future, a program could be offered to other sorts of properties. He explained that the rebate would be in the amount of \$6 per square foot with a maximum of \$1,000 per property. He explained that based on the size of an average 4x4 block, the rebate would be \$96 per block. If this is compared to the City's contracted cost of \$232, this equates to roughly a 40% refund. He noted that driveway aprons and approaches will not be eligible for the refund.

Alderman Crawford explained that he hopes that this program will incentivize homeowners to take care of their dangerous sidewalks. He does not feel that the Council should mandate that a homeowner use the City contracted company, and that the homeowner can chose their own contractor or do the work themselves, as long as it is done in accordance with City Code.

Alderman Crawford asked if it is possible that the City's contracted rate could change June 1st, and Mr. Ring replied that it could when the next contract begins.

Alderman Crawford asked if the Policy should specify that even though permit fees are waived, that a permit fee is still required. Alderman Andreano responded that she would like to see it noted that a permit is still required so as not to cause any issues.

Mayor Aiello noted that if there are four homeowners on a block and each needs only one sidewalk block replaced, that they could come together to find a contractor to save money.

Alderman Crawford explained that he hopes that this will take a chunk out of the decrepit sidewalks in the City. He noted that the goal is not to beautify neighborhoods by fixing unsightly, but safe, sidewalks, but to improve walkability. He explained that the homeowner will fill out an application put together by Mr. Ring prior to work being done so that the Department of Public Works can verify that the sidewalk is a hazard and eligible for the program.

Alderman Dougherty explained that some sidewalks, although not considered tripping hazards, are not up to Code due to materials used. He asked if the replacement of these would be eligible. Alderman Smith responded that if it is not a hazard, he doesn't believe that it should be.

Alderman Smith asked if a homeowner that is flagged by the Department of Public Works for a dangerous sidewalk, who is not actively seeking to replace the sidewalk prior to this time, is eligible. Alderman Crawford responded that they would be. Alderman Gonzalez added that they absolutely should be.

Alderman George asked if the Council needs to transfer funds, or if the \$29,000 currently in the account could be used to get this rolling. Alderman Crawford responded that the Program could begin without the additional transfer. Alderman George recommended waiting until the Council knows how much the Program is utilized prior to transferring additional funding. Alderman Crawford responded that he would like to show the public that the City is throwing skin into the game, and that this Program may not be offered again.

Alderman Witte suggested advertising the program on water bills, as the leaf pickups are. Mr. Ring responded that he could do that. Alderman Crawford noted that if the Council supports this, he will meet with the Mayor to discuss ways of marketing the program and getting it out there.

Alderman Crawford asked if there is anything in the Code that prohibits certain things being done to sidewalks, and Mr. Ring responded that he does not believe that stamped sidewalks

are allowed. Alderman Crawford asked if it is important to specify in the Policy that specialty sidewalks are not allowed, and Mr. Ring responded that he doesn't think that it matters since there is a capped price per square foot. Alderman Dougherty noted that he believes the Code specifies that sidewalks must be brushed concrete.

Alderman Witte asked if sidewalks are included as a part of sales inspections, and Mr. Ring replied that he would have to look into this. Alderman Witte explained that the City could require that sellers fix sidewalks prior to the transfer of the property, and Alderman Crawford replied that it is an interesting concept. Mr. DiCerbo responded that a tax lien search does go to DPW, and sidewalk liens are shown prior to sale. He doesn't know that if this idea will work, but he will look into it. He explained that it should come up during the home inspection.

Alderman Smith explained that it could be a large addition to the cost of a sale, and he does not want to see this become a deal killer. He suggests approaching this cautiously.

Alderman Witte explained that she feels that if this is a public safety issue, the City should be trying to make it better. Alderman Smith replied that he understands, but he feels that this could kill sales. Alderman Dougherty added that he does not feel that this should hold up a sale. Alderman Witte suggested following up with the person who buys a property. Mr. DiCerbo explained that the City would not stop a transaction if an inspection is failed; however, the City will not give as Certificate of Occupancy until the transfer inspection is passed.

Alderman Smith asked if what is being presented will be what is shown on the back of water bills, and Alderman Crawford replied that this is more legislation, and he will work with Mr. DiCerbo on the Resolution. Alderman Smith responded that he agrees that it should be clarified that a permit is required, although the fee is waived.

Mr. Ring asked if this Program is first come, first serve, and Alderman Crawford replied that it is. Alderman Dougherty asked if it is the first to apply or first to complete, and Alderman Smith responded that he feels it should be the first to sign up. Alderman Crawford recommended that a timeline be set for the work to be done after an application, and Alderman Dougherty noted that the sidewalk permit is good for 30 days. Mr. DiCerbo explained that when an application is received and determined to be eligible for the Program, funding should be designated for that homeowner. He explained that if the work is not done by the end of the construction season, then that money rolls back into the General Fund. He explained that the Council will not want to base this on a timeline, as it is difficult to guarantee a contractor will have the work done on a certain date.

Alderman Crawford explained that he will be putting forth a PL and Resolution to transfer funding, as previously mentioned.

A motion to refer PL #24-19 to the City Attorney for Resolution was made by Alderman Crawford, seconded by Alderman Smith. Voice vote, ayes all. Motion carried.

3. New Referrals for Consideration

None

4. Approval of Committee Reports

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

5. Adjournment

A motion to adjourn was made by Alderman Crawford, seconded by Alderman Smith. Voice vote, ayes all. Motion carried. Meeting adjourned at approximately 6:35 p.m.