

FINANCE

Tuesday, September 5, 2017 – 5:30 p.m.

Police Training Room – Olean Municipal Building

Present: Members: Chairman Dougherty, Vice Chairman Crawford, Alderman Witte, Alderman Andreano, Alderman Gonzalez, Alderman Smith, and Alderman George. Others: Mayor William Aiello; Nicholas DiCerbo, Jr., City Attorney; Fred Saradin, City Auditor; Mary George, Community Development Program Coordinator; Bob Bell, Fire Chief; Sue Cooper, City Forester, and Tiffany Taylor, Managerial Confidential Administrative Secretary.

1. Roll Call

Alderman Dougherty called the meeting to order at 5:30 p.m. and asked that the record show that all committee members were present.

2. Approval of Minutes of the Previous Committee Meeting (Tuesday, July 18, 2017)

A motion to approve the minutes of the July 18, 2017 meeting was made by Alderman George, seconded by Alderman Smith. Voice vote, ayes all. Motion carried.

3. Unfinished Business

- a. PL #55-17: (Crawford) To authorize the transfer of up to \$45,000 from General Fund Surplus to line item 5111.301, Tree Programs, to cover the cost of pruning 13 trees and removing 23 trees throughout the City of Olean.

Alderman Crawford stated that he invited Ms. Cooper, the City Forester, to speak to the Council tonight regarding this PL. He stated that during the budget, the Council tasked the Mayor with presenting a balanced budget, and tree funding was one of the cuts that was made. He stated that he did not personally have too many issues with this cut; however, he does have an issue with previous statements that had been made to residents regarding trees that were to be taken down or pruned by the City. He feels that we should make whole on our obligations.

Ms. Cooper stated that there are many other people whose trees are not on the list to be removed or pruned who have complained about their trees; however, if the tree is not hazardous, she did not add it to the list to be taken down. She stated that she had also never made any promises to the public regarding pruning or removing trees.

She presented a PowerPoint that showed how trees are rated for removal (based on diameter), as well as the various criteria that she uses when determining whether a tree is hazardous or not. She stated that her list of trees that needs to be removed is always fluid and always changing. She stated that the purpose of assessing trees for public safety is to promote the

longevity of the trees, as well as to increase the chance for the tree to withstand storm damage. She showed the Council various trees around the City that need to be removed, while showing their issues such as decay, cavities, cracks, leaning, weak unions of the branches, etc.

Alderman Gonzalez questioned who owns a tree when it is on the subway between the sidewalk and the roadway. Alderman Witte stated that she was always told that they are "City" trees. Mr. DiCerbo stated that the tree belongs to the property owner.

There was some discussion regarding recent storm damage.

Alderman George stated that the issue at hand is whether or not we do the right thing by expectations that were laid out, and what the right thing is.

Alderman Gonzalez stated that he does not like the term "make it right". Funding gets cut for things, that is a fact of life. IF the City has to go in a different direction, then so be it.

Alderman Crawford stated that he feels that when the City says "we will take care of this", we should. He stated that there are a lot of issues with trees that the Council will need to discuss over time.

Alderman Smith questioned if there are trees on the proposed list that are trees that we haven't received complaints about, and Ms. Cooper replied that there are. Alderman Smith stated that he feels that there will be a lot of he said / she said from residents regarding trees that they want cut down.

Alderman George stated that he was under the impression that the list was of trees where expectations were sent, and Ms. Cooper replied that she was under the impression that she was to make a list of trees that pose a liability to the City.

Alderman Dougherty stated that it makes sense to clear the backlog. Alderman Gonzalez stated that for every tree on the list, there are more people that will come forward and say that they have been calling for years and hearing promises that their tree would come down.

Alderman Witte questioned what we are liable for. She is worried that people will take the City to court because a tree in the subway fell. However, on the flip side, we are looking at a bare bones contingency as it is, and she is wary of transferring money this early in the year. Mayor Aiello pointed out that the proposed transfer is from Surplus, not Contingency.

Alderman Crawford stated that he feels that if we have a backlog, we should take care of the backlog before eliminating a program.

Alderman Smith questioned what we did prior to 1986, when the City began cutting trees. Ms. Cooper replied that she is unsure.

Alderman Crawford questioned what would happen if the City no longer takes a proactive approach in taking care of trees. If we expect residents to prune and remove hazardous trees and they don't, what do we do if the tree dies and/or falls? Alderman Gonzalez replied that we force people to mow lawns or charge them when we contract the service out. He questioned if we can make a resident prune a tree. Mr. DiCerbo replied that we can put a Local Law into place to require and enforce this. He reiterated that the tree is the property owner's responsibility.

Alderman George questioned the process when a property owner wants to remove a tree in the right of way. Ms. Cooper stated that they need to get a permit, and Alderman Dougherty stated that the property owner needs to go in front of the Council for approval. The City Forester can then provide a recommendation to the Council to base their decision on.

Alderman Smith stated that the City has said "no" to tree removal quite a few times. Ms. Cooper stated that she fears that there will be few or no trees left of West State Street if we no longer require Council approval of tree removal. Ms. George stated that the City's larger goal is to stabilize and improve neighborhoods, and trees are a part of that.

Alderman Smith stated that trees are a luxury that the City and homeowners can no longer afford. He thinks that the City should put a moratorium on planting trees in the subway because of issues that we are now facing. He feels that we are only creating issues for people fifty-plus years down the road.

Ms. Cooper stated that trees have many benefits, including breaking up heat islands, filtering water for storm run offs, and creating oxygen that we breathe. She stated if we plant the proper trees in the right spots, they can be very beneficial.

Alderman Gonzalez stated that there is a law that if a designated park space is removed, we must add a park elsewhere. He stated that we could put in the ordinance that if someone removes an otherwise healthy tree, that they need to plant a tree elsewhere in the City or donate to the tree effort.

Alderman George stated that when we cut the tree funding from the budget, we did so because jobs were on the line. He questions if this conversation would be different if it was not involved in budget cuts. Did we cut the tree program because it was broken? Alderman Andreano responded we cut the tree program because of priorities, and Alderman Witte added that we cut the tree program because we ran out of money.

Alderman Smith replied that the tree program should have been five times its size, and didn't work because it was underfunded. We need to determine whose responsibility these trees are, and who should pay for them.

Ms. Cooper stated that a lot of times people wanted trees down when there was absolutely nothing wrong with them. Alderman Witte stated that people think they can get something done for free.

Alderman Crawford stated that we need to divide the list into trees that need to be taken down that we have received complaints on, and trees that Ms. Cooper feel need to be taken down because of liability issues (that we have not received complaints about). If there is not an existing process on the books, we need to figure something out. If there is not enough funding, we need to figure something else out.

Alderman Gonzalez stated that he feels that we need to make a clean break on this. When we pay for a fuzzy backlog of tree removal, we really open ourselves up to questions from residents regarding other trees.

Alderman Crawford stated that it is his understanding that when Ms. Cooper gets a call regarding a tree, she evaluates it and makes a "removal" list based on what is dangerous. Just because someone calls every year for five years does not mean that a tree needs to come down.

Ms. Cooper stated that the ordinance states that it is up to the property owner to prune their own trees. In 1986, the City received a \$400,000 grant for tree maintenance, and this is when the City began taking care of the subway trees.

Alderman Gonzalez questioned why we are funding tree pruning and removal if it is the property owner's responsibility. Mr. DiCerbo stated that we are also supposed to have a tree board, but we do not. Alderman Gonzalez questioned how we can say it is not okay to cut this program. We used to collect garbage for residents, but now we make them pay for it. Alderman Dougherty stated that the City created precedence. Alderman Gonzalez stated that he does not feel that we are in a position where we are ready to vote.

Alderman Crawford questioned what we do with a tree that is dangerous, but that we haven't received a complaint about. Alderman Gonzalez stated that it is a discussion for another time, but he suggests that we revert back to the law on the books and treat it as the property owner's responsibility, as the ordinance states.

Alderman Crawford questioned if the City is liable or responsible, if a property owner had come to us regarding a tree and received a verbal notice from a City official that the tree would come down, and then we didn't remove the tree and it fell. Mr. DiCerbo stated that it is really a grey area. The City has the right of way to maintain streets, but it is still the property owner's land and still their responsibility. The City does not own the trees, and you assumed the liability for the tree when you buy a property that has a tree in the subway.

Prior to the next meeting, Ms. Cooper will provide a list to the Council of “complaint” trees that need to come down, as well as a list that she has not received complaints on, that she believes should come down.

A motion to postpone PL #55-17 to the next Public Safety meeting was made by Alderman Gonzalez, seconded by Alderman Dougherty. Voice vote, ayes all. Motion carried.

4. New Referrals for Consideration

None

5. Approval of Committee Reports

None

6. Adjournment

A motion to adjourn was made by Alderman Andreano, seconded by Alderman Gonzalez. Voice vote, ayes all. Motion carried. Meeting adjourned at approximately 6:40 p.m.