PUBLIC SAFETY
Thursday, September 3, 2015 – 5:40 p.m.
Police Training Room – Olean Municipal Building

Present: Members: Chairman leFeber, Vice Chairman Gonzalez, Alderman Andreano, Alderman Barnard, Alderman Tertinek, Alderman Smith, and Alderman Jester; Others: Nicholas DiCerbo, Jr., City Attorney; Tom Windus, Director of Public Works; Jeff Rowley, Police Chief, and Tiffany Taylor, Managerial Confidential Administrative Secretary.

1. Roll Call

Alderman leFeber called the meeting to order at approximately 5:40 p.m. and asked that the record show that all committee members were present.

2. Approval of Minutes of the Previous Meeting (Tuesday, August 4, 2015)

A motion to approve the minutes of the August 4, 2015 meeting was made by Alderman leFeber, seconded by Alderman Jester. Voice vote, ayes all. Motion carried.

3. Public Comment / Concerns

Alderman leFeber recognized members of the public who were present at the meeting to present to the committee issues of public safety.

Penny Green of 401 Fourth Avenue started by stating that on August 10th, a young child was hit by a truck, which proceeded to drive away. She stated that the boy was not seriously injured, but people do not pay attention and speed through the area. She presented a petition requesting STOP signs, Yield signs, “Children at Play” signs, and crosswalks in the areas of Second, Third, and Fourth Avenues, Center Street, and School Street. She also requested additional police enforcement in the area, as people blow through intersections and disregard speed limits.

Chief Rowley expressed concern that no one from the neighborhood had brought this issue to his attention. He stated that there is a lot of perceived speeding on the side streets in the City, but that in all reality, people are not speeding. He stated that he will add enforcement to the area for some time, but that anything that he does to fix this will be, unfortunately, a temporary fix. He stated that on the streets everywhere, no matter where you put STOP signs, speed limit signs, and lights, people will always break the law.

4. Unfinished Business
a. PL #06-15: (leFeber) To authorize the installation of “STOP” signs and designating that all traffic shall stop before proceeding at all corners at the intersection of Fifth Avenue and Prospect Avenue.

A motion to postpone PL #06-15 indefinitely was made by Alderman leFeber, seconded by Alderman Jester. Voice vote, ayes all. Motion carried.

b. Discussion – City of Olean Signage Inventory

Mr. Windus stated that he has had two proposals from companies, one local, to do the signage inventory. The estimates are coming in around $45,000. It will take several months to complete the inventory, including checking the code to ensure that everything is where it is supposed to be. It could take up to six months to get an actual written report to the Council. Although he feels that this would be nice for the Council and for the City, he doesn’t feel that it is financially within reach at the moment.

It was the general consensus of the Council that the signage inventory is financially out of reach at the moment, and it would not be pursued further at the present moment.

c. PL #75-15: (__________) To authorize and direct the Fire Chief to cause the building located at 321 North Union Street to be demolished.

Alderman Jester stated that the last time we discussed this item, we were waiting for an engineering report. Mr. DiCerbo had spoken with the Council prior with different options regarding this property.

Mr. DiCerbo stated that we have engineering reports done by both the City’s choice of engineers and Mr. Petruzzi’s engineer, and nothing has changed drastically since he spoke with the Council previously in executive session.

Mr. Petruzzi provided handouts to the Council regarding the engineer’s plans for stabilization. He pointed out that his engineer included that the building is not in eminent danger of collapse at the current time. He also stated that he has had three contractors look at the building, two of whom believe that the engineer’s plan is overkill.

He continued in stating that he understands that Park Centre Development has a problem with the closure of the parking lot to their tenant’s customers, and they are unwilling to work with him to get the building stabilized, or even for him to tear the building down himself. He stated that he hears complaints about the loss of business to their tenants and a fear that the building will fall at any time, but there is no proof that the building will come down and he has seen no proof that the tenants have lost building because of the small area of lost parking. He feels that
The majority of the lost business is due to the North Union Street project, which is affecting all of the businesses in the area.

He stated that he has tried to work with Park Centre, including offering to buy or lease the land. They are unwilling to work with him. He asked that the Council make a decision tonight, as the building and the decision cannot continue to be strung along.

He continued in stating that he only needs to use four of the parking spots that are owned by Park Centre Development, and the tenant’s customers would be able to use the remaining spaces during the stabilization process. He stated that he can ask again, but he expects the same “No” answer that they had given him before. He stated that he needs the Council’s help for this project. With North Union Street closed, he feels that this is the best time to be doing the work on the building.

Alderman Jester strongly stated that the Council is only able to offer Mr. Petruzzi time, but that he is not sure what they can do, if anything, with Park Centre Development. Alderman Tertinek added that he doesn’t feel that the Council should step in to settle a civil argument between Park Centre and Mr. Petruzzi.

Mr. Tertinek continued in asking Mr. Petruzzi if he would be able to complete the stabilization in 60-90 days. He replied that he didn’t know, and they both expressed that their main concerns are for public safety. Mr. Petruzzi expressed that he cannot – and will not – finish the building unless he has the legal ability to do so.

Mr. Petruzzi continued in stating that the City has two options – to pay to tear the building down, and face the consequences of spending $100,000 of taxpayer money to tear down a building that someone else was ready and willing to rehab out of his own pocket, or allow him to do what he wants to do.

Kevin Bartholomew of Bishop Street expressed that, in regards to the property, that the City should look into this and make a decision. He feels that Mr. Petruzzi is a very admirable man who wants to try to fix the building so that the City does not need to pay to have it demolished. He reminded the Council that the City doesn’t receive a lot in taxes on an empty lot.

A motion to enter into executive session to discuss pending litigation was made by Alderman Jester, seconded by Alderman Andreano. Voice vote, ayes all. Motion carried. Executive session entered into at approximately 6:30 p.m.

A motion to adjourn executive session was made by alderman Jester, seconded by Alderman Andreano. Voice vote, ayes all. Motion carried. Executive session adjourned at approximately 7:15 p.m.
A motion to amend PL #75-15 to allow for 60 days to stabilize the walls and ensure a sound structure of the roof, with penalty for failure to comply to be an order of demolition of the building, was made by Alderman leFeber, seconded by Alderman Jester. Voice vote, ayes all. Motion carried.

Mr. Petruzzi concurred with the Council that he will, if the resolution is approved at the 09/08/2015 meeting, have 60 days to stabilize the building according to his engineering plans (to be approved by the City Code Enforcement Office). Alderman Jester explained that the Council will require an engineer’s report when the stabilization is complete, as well as an inspection by Code Enforcement.

Mr. DiCerbo expressed that the Council is not authorizing Mr. Petruzzi to access Park Centre Development’s property. They are simply helping to give him the tools to do what he needs to access their property to stabilize the building. He also reminded Mr. Petruzzi that, since the building is more than 50% gone, he will need to upgrade the building to current Code Enforcement standards.

A motion to refer PL #75-15 (as amended) to the Tuesday, September 8, 2015 Regular Meeting and to the City Attorney for Resolution was made by Alderman Jester, seconded by Alderman Gonzalez. Voice vote, ayes all. Motion carried.

d. PL #76-15: (leFeber) To relocate the STOP signs on Genesee Street located at its intersection with Second Avenue to its intersection with Third Avenue.

Alderman leFeber expressed that this was discussed before in committee. Alderman Tertinek stated that he doesn’t think that the STOP sign should be moved, only that the crosswalk be spruced up and get police in the area to enforce speed.

Mr. Windus stated that, traffic-wise, more people use Second Avenue as a bypass. Alderman Andreano added that with the construction on North Union, it is nearly impossible to get through the light at Park and Shop, so everyone is using Second Avenue to bypass the light. She expressed that, if the signs are moved and people try to turn left from Second Avenue, traffic will be backed up even more.

Adam Bennett of North 11th Street stated that in the winter, with BOCES getting out and busses coming down the hill, he would hate to see two or three cars at the STOP sign (if moved to Third Avenue) and a bus come down the hill and not be able to stop in time.

Alderman Gonzalez asked if one person came forward with this complaint or multiple residents, and Alderman leFeber responded that a couple of families had the issue.
A motion to postpone PL #76-15 indefinitely was made by Alderman leFeber, seconded by Alderman Jester. Voice vote, ayes all. Motion carried.

e. PL #77-15: (leFeber) To install a crosswalk across Genesee Street at its intersection with Third Avenue.

A motion to postpone PL #77-15 indefinitely was made by Alderman leFeber, seconded by Alderman Jester. Voice vote, ayes all. Motion carried.

5. New Referrals for Consideration

a. PL #80-15: (Smith) To authorize the installation of a street light on the 100 block of South 17th Street.

Mary Beattie of South 17th Street expressed her concern that, over the years, vehicles have been broken into on her section of the street quite often because of how dark the street is. She also feels that there is a lot of drug trafficking on the street, as it is a dark place for people to park. She doesn’t know what else to do besides request the installation of a street light.

Alderman Smith stated that he has spoken with Mary before, and she has been politely diligent regarding the issue. He stated that the City Electrician had gone down, but he didn’t feel that a light on the pole would be cost effective. He questioned if the Council feels that streetlights decrease crime.

Mr. Windus stated that he concurs with Mr. Kahm (the City Electrician). That street, as well as all of those surrounding, have two lights per street. He has a streetlight in front of his own home, and yet his vehicle has been broken into. He doesn’t feel that the light will deter crime. Mr. Gonzalez added that he also has a streetlight in front of his own home, and his personal vehicles have been broken into. He asked if there is anything we can do with trees in the area to help.

Alderman Smith responded that he agrees, that cutting back trees in the area might help make the area lighter. Ms. Beattie agreed as well, that there are trees in the area that could be cut back and even one that should be taken down, which might help the light to penetrate the area more.

Alderman Gonzalez suggested cutting the trees for now, and revisiting the PL at a later date to review. Ms. Beattie expressed that this would make her very happy. Alderman Jester questioned if National Grid would pay for the trees to be trimmed, and Mr. Windus replied that more than likely, if their lines go through the trees, they would pay for the trimming.
A motion to refer PL #80-15 to the next Public Safety meeting was made by Alderman Smith, seconded by Alderman Jester. Voice vote, ayes all. Motion carried.

b. PL #84-15: (Aiello) To amend the City of Olean Code of Ordinances Chapter 13 Article IV, Junk Dealers, to amend rules and regulations for pawn shops within the City of Olean.

Mr. DiCerbo stated that there are currently no fees listed in the Code, and the Council needs to determine an application fee, as well as a penalty.

Alderman Jester suggested an application fee of $25, and a penalty of $250. It was agreed to by the Council.

A motion to amend PL #84-15 to include Article VI, Division 8, Secondhand Dealers, was made by Alderman Jester, seconded by Alderman Smith. Voice vote, ayes all. Motion carried.

A motion to refer PL #84-15 to the Regular Meeting Tuesday, September 22, 2015 was made by Alderman Jester, seconded by Alderman leFeber. Voice vote, ayes all. Motion carried.

c. PL #89-15: (Andreano) To amend and replace Chapter 5, Article II, Dogs, of the Code of Ordinances of the City of Olean with a new ordinance relating to the Control, Confining, and Leashing of dogs.

Alderman Andreano explained that, in her ward, there is a major issue with a dog that is terrorizing the neighborhood and causing problems. The dog is vicious and gets loose often, chasing kids and other citizens. She stated that the way the law is written, the family who owns the dog more or less laughs at everyone, pays the $25 fine and never has to go to court. She wants to make the ordinance more specific so that it isn’t as easy for people to get away with allowing their dogs, especially those who are dangerous, to run free.

There was some discussion regarding leashing and dogs being within an area of verbal command, and it was decided that all dogs should be leashed and that dogs will not be allowed to be off of a leash within the City, even if they are in an area of verbal command of the owner.

Chief Rowley stated that the problem with the dog running loose is ongoing, and the owners have no intentions of correcting the problem. The ordinance needs to be changed so that this does not continue. He did state, however, that we are lucky that it is a rare instance like this one where it gets to be out of control.

A motion to refer PL #89-15 to the September 22, 2015 Regular Meeting was made by Alderman leFeber, seconded by Alderman Gonzalez. Voice vote, ayes all. Motion carried.

6. Approval of Committee Reports
A motion to approve committee reports was made by Alderman Jester, seconded by Alderman Gonzalez. Voice vote, ayes all. Motion carried.

7. Adjournment

A motion to adjourn was made by Alderman Gonzalez, seconded by Alderman Jester. Voice vote, ayes all. Motion carried. Meeting adjourned at approximately 7:55 p.m.