

## PUBLIC SAFETY

Tuesday, March 6, 2018 – 6:40 p.m.

Police Training Room – Olean Municipal Building

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

### 1. Roll Call

Alderman Andreano called the meeting to order at 6:40 p.m. and asked that the record show that all committee members were present.

### 2. Approval of Minutes of the Previous Committee Meeting (Tuesday, February 20, 2018)

A motion to approve the minutes of the February 20, 2018 committee meeting was made by Alderman Andreano, seconded by Alderman Witte. Voice vote, ayes all. Motion carried.

### 3. Unfinished Business

None

### 4. New Referrals for Consideration

- a. PL #20-18: (Dougherty) To amend the City of Olean Code of Ordinances Section 24-134 to amend “No Parking on North Fourth Street, West, from Wayne Street northerly to the north bounds of 509 North Fourth Street” to state “North Fourth Street, West, from Wayne Street northerly to the south bounds of 509 North Fourth Street.”

Alderman Dougherty stated that he received a complaint from a resident in this area. The resident had just recently bought the property, and the “No Parking” sign was on the south bounds of the property. It was recently moved to the north bounds of the property, which eliminates parking in front of the home. The Code of Ordinances states that the sign should be on the north bounds, but it was erroneously placed on the south side some time ago. The resident has requested that we move the sign back to the south side of the property.

Alderman Andreano questioned if this would cause issues with traffic at the school, and Alderman Dougherty replied that the move only adds one or two parking spaces. The sign was

always on the south side, and was only moved to the north side in the past month or two. We are requesting to move it back. Mr. Ring added that the area is far enough back that it should not affect the queue for the traffic light or the school.

Alderman Andreano questioned why the sign was moved, and Alderman Dougherty replied that it was found that the sign did not match the Code during the ongoing street sign inventory that is occurring through the City. He figures that, since the sign was in the wrong place all along and did not cause any problems, that we could move it back and change the Code to match this position.

A motion to approve PL #20-18 was made by Alderman Dougherty, seconded by Alderman George. Voice vote, ayes all. Motion carried. Referred to Regular Meeting Tuesday, March 27, 2018 for Resolution.

- b. PL #21-18: (Gonzalez) To order the removal of the structure located at 213 West Green Street.
- c. PL #22-18: (Gonzalez) To order the removal of the structure located at 215 West Green Street.
- d. PL #23-18: (Gonzalez) To order the removal of the structure located at 128 West Green Street.
- e. PL #24-18: (Gonzalez) To order the removal of the structure located at 329 North Fifth Street.
- f. PL #25-18: (Gonzalez) To order the removal of the structure located at 313 South Seventh Street.

Alderman Gonzalez stated that he would like to see pictures and discuss the five houses in question in relation to PL#21-18 through PL #25-18. Alderman Andreano questioned if the five properties being discussed are City owned, and Alderman Gonzalez stated that one of the five is City owned. The five properties are some of the most notoriously dilapidated properties in the City, and we have been talking about these houses for at least 5 years.

Alderman Crawford questioned who orders the removal of the properties. Mr. Jennings replied that the Council gives the direction to the Fire Chief or Code Enforcement Office to order the removal of the property.

Alderman Gonzalez stated that it works the same way that mowing a lawn does. The City performs the work and then bills the property owner for the work. Alderman Crawford questioned who pays for the demolition, and if we front the money and then charge the

property owner. Alderman Dougherty stated that if we do not receive reimbursement from the owner that it rolls to the taxes, but there is no guarantee that the County will reimburse the City for the demolition costs.

Alderman Crawford questioned if we can tear down the property if someone else owns it, and Alderman Dougherty replied that we can. Mr. DiCerbo mentioned that a lot of properties on the demolition list have tax liens.

Alderman Andreano stated that she believed that we could not tear these properties down before, and questioned why we can now. Mr. DiCerbo replied that we have been able to, but the Council has not wanted to pull the trigger.

Alderman Witte questioned where the money is going to come from to pay up front for the demolition, and Alderman Gonzalez stated that money was previously designated and transferred into a Capital Fund. Alderman Witte questioned the cost of demolition, and Mr. Jennings replied that the Seventh Street property will be the least costly to demolish. We had a bid for approximately \$7,000 for the demolition, and the next lowest bid was around \$18,000.

Alderman George questioned if we would want to rebid for the demolition, and Mr. Jennings stated that we could.

Alderman Witte questioned why we don't handle City owned properties first. Alderman Gonzalez replied that he honestly advocates using whatever funding is necessary to take care of all of these properties. However, although the City owned properties may be undesirable in their respective neighborhoods, these five are the worst of the worst.

Alderman Andreano questioned if we have to rebid the demolition because the bids are a couple of years old, and Mr. Jennings stated that is correct.

Alderman Smith questioned if a property would go to County auction if there are tax liens on it, even after we demolish the property, and Mr. DiCerbo replied that we could work with the County Treasurer to have the properties deeded to us.

Alderman Crawford asked if the County Land Bank has demolished any properties, and Mr. Jennings replied that they have not. Mayor Aiello stated that they plan to demolish three properties, including 809 Seneca Street and 317 North 6<sup>th</sup> Street. Alderman Witte questioned if any are coming down this year, and Mr. Jennings replied that he could not answer that question. Mayor Aiello stated that he has been told that they are coming down this year, but he has not heard anything more specific than that.

Mayor Aiello explained that the City recently received correspondence from the Land Bank, requesting for houses to be submitted for potential demolition or rehabilitation. Alderman

Crawford questioned if the three currently up for demolition with the Land Bank were recommended by the City, and Mayor Aiello responded that the Land Bank chose the properties. Alderman Crawford questioned if the recommendation list that is being created will flow through the Mayor's office, and Mayor Aiello replied that it can.

Mr. Jennings explained the list that he provided for each Alderman, including both residential and commercial properties that either are dangerous with structural defects or hazardous. Items highlighted in red are in imminent danger of collapsing.

Mr. Jennings began a slideshow of the homes that are listed in PL form tonight. 213 West Green Street, which the City does not own, has no siding on most of the house. The foundation blocks are either gone or damaged, and the whole right side of the foundation is gone. Window frames are also rotting out.

The property located at 215 West Green Street is in worse condition. All of the windows are bad, and garbage is piling up on the porch of the abandoned house. The left foundation wall fell in. The chimney previously had to be torn off by the City, and trespassers are leaving garbage inside the house.

Alderman Witte questioned if these are the two properties that the City would like to tear down and create an alternative entrance to Franchot Park with, and Mr. Jennings stated that they are.

Alderman Andreano asked if there is a possibility to salvage any materials from the house, such as the windows or plumbing. Mr. Jennings replied that the windows are all in poor condition, and Alderman Dougherty stated that gutting a house for pipes is not easy and is not as profitable as one may think. Bids also sometimes include the right for the contractor to keep any materials they find during the demolition, which could possibly lower the bid costs.

Alderman Witte questioned the estimated cost to tear these houses down, and Mr. Jennings stated that one of the houses has asbestos siding. The reports are not worth doing, because the homes will have to be taken down hot anyways.

Mr. Jennings continued with the slideshow by showing photos of 128 West Green Street. This one is set to be on the County's foreclosure list soon. There are animals harboring in the home, and the chimney is ready to fall at any moment. The roof is shearing off at this point and there is water damage inside. The rear porch has already fallen in.

Alderman Smith questioned if we are going to vote once we get hard numbers on the demolition. Alderman Gonzalez stated that he does feel that we need more information, and he is not sure that the PL's are ready to leave committee. He does not want to jump into anything;

however, he does not want to sit around on these houses any longer. Mr. Jennings stated that he can get started on bids. The properties at 213 and 215 West Green Street are the worst and are ready to collapse.

Mr. Jennings continued in showing the committee photos of 313 South Seventh Street, which is City owned. There are foundation issues, and the roof is falling in and has holes in it. Alderman Crawford stated that the neighbors across the street claim that there is a rat infestation coming from the property; however, Mr. Jennings has not seen signs of this as of yet.

Mr. Jennings stated that there is an asbestos report on this home, and since there is no asbestos, he estimates that the demolition cost will be maximum \$10,000 to \$13,000. The general consensus of the committee is to move forward with the demolition on the 313 South Seventh Street property.

Alderman Gonzalez stated that he feels that asbestos is the ultimate excuse as to why we are not moving on these properties. Gravity does not care about asbestos.

Alderman Crawford questioned if we should take into consideration recommending that the Land Bank take down houses that contain asbestos. Alderman Witte replied that she does not think we should wait. Mayor Aiello stated that we can consider this. Mr. DiCerbo explained that we need to remember that, once the Land Bank takes the property, the control of the land is gone.

Alderman Gonzalez stated that he would advocate trying to take down 213 and 215 West Green Street, as well as 313 South Seventh. Mr. DiCerbo recommended adding 128 West Green Street, as all of the properties are in the same vicinity and could possibly save the City money if bid together as the contractor would not need to move equipment through the City. Mr. Jennings added that 213 and 215 West Green Street could be taken down as one property.

Mr. DiCerbo questioned if the City Department of Public Works would be doing shut offs to save money, and Mr. Ring replied that he is not sure.

Alderman Crawford stated that he appreciates the horrible nature of the three properties on West Green Street, but he advocates looking into the City owned properties. He hears that the City is "one of the worse slumlords in Olean", and he feels that we should go out to bid to demolish the necessary City-owned properties.

Alderman Gonzalez stated that this is definitely a onetime expense that we could take from Surplus. Alderman Witte added that we have not spent anything from Contingency this year. Alderman Crawford stated that we should get this done.

Mr. Ring stated that one of the biggest variable costs for the demolition is shut offs, and the City could commit to bidding for cutoffs at the services, and the City could do the remainder of the work from the subway. This will save money.

Alderman George stated that we should get the ball rolling and start to move forward.

A motion to enter into executive session to discuss the proposed acquisition of real estate was made by Alderman Andreano, seconded by Alderman Witte. Voice vote, ayes all. Motion carried. Executive session began at approximately 7:25 p.m.

A motion to adjourn from executive session was made by Alderman Witte, seconded by Alderman Gonzalez. Voice vote, ayes all. Motion carried. Executive session adjourned at approximately 7:40 p.m.

Mr. Jennings went through photos of additional houses that have not been submitted for demolition tonight. This includes 214 East Pine Street, which has really no foundation and will be going on to foreclosure with the County shortly; 330 North Fourth Street, which is more or less an empty shell; 105 South Thirteenth Street, where the roof is bad and the chimney is falling in, and 122 East Henley Street, which is City owned and in a state of disrepair.

A motion to approve PL #21-18, PL #22-18, PL #23-18, PL #24-18, and PL #25-18 was made by Alderman Gonzalez, seconded by Alderman Dougherty. Voice vote, ayes all. Motion carried. Referred to City Attorney for Resolution.

g. Discussion – No Parking sign, 122 North Barry Street

Alderman Dougherty stated that he was approached by a constituent regarding a “No Parking” sign in front of a business. The sign is not located in the Code of Ordinances, but it is legal because the City installed the sign. However, there is no legal enforceability and tickets could be thrown out in court.

Mr. DiCerbo stated that he owner of the business pays \$30 a month for this sign.

Alderman Dougherty questioned if we should add the sign to the Code and open a can of worms, or take it out and cause an issue where the business owner could potentially bring legal action against the City.

Mr. DiCerbo stated that the business owner does have the argument that he has paid for the sign for all these years. He recommends going with the status quo and allowing the judge to make decisions if someone gets ticketed. The committee was in agreement.

5. Approval of Committee Reports

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

#### 6. Adjournment

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