Present: Members: Chairman Jester, Vice Chairman Gonzalez, Alderman leFeber, and Alderman Andreano. Others: Mayor William Aiello; Nicholas DiCerbo, Jr., City Attorney; Mary George, Community Development Program Coordinator; Tom Windus, Director of Public Works; Bob Bell, Fire Chief; Tiffany Lyman, Managerial Confidential Administrative Secretary, and Larry Sorokes, Greater Olean Area Chamber of Commerce.

1. Roll Call

Alderman Jester called the meeting to order at 6:25 p.m. and asked that the record show that all committee members were present except Alderman Smith, who was excused.

2. Approval of Minutes of the Previous Regular Meeting (Tuesday, May 19, 2015)

A motion to approve the minutes of the Tuesday, May 19, 2015 meeting was made by Alderman Jester, seconded by Alderman Gonzalez. Voice vote, ayes all. Motion carried.

3. Unfinished Business

None

4. New Referrals for Consideration

   a. PL #50-15: (Aiello) To approve the revisions to the Downtown Property Improvement and Revolving Loan Fund Programs as recommended by the Revolving Loan Fund Committee.

Ms. George stated that she previously sent the Aldermen a memo containing the information that the committee wished to change for the two programs. The committee suggests increasing the maximum loan amount to $30,000 from $25,000, as well as providing 20% deferred rather than 10%. She added that with the infrastructure improvements and road reconstruction, they would like to provide added incentives to businesses to take these loans to improve their buildings. The interest rate is also changing to the prime percentage.

Mr. Sorokes stated that he is very much in support of these changes, and what is being recommended will be welcomed by the Chamber of Commerce and area merchants. This is perfect timing with the changes downtown and move to a form-based code.
A motion to approve PL #50-15 was made by Alderman Jester, seconded by Alderman Gonzalez. Voice vote, ayes all. Motion carried. Referred to Regular Meeting Tuesday, June 9, 2015 for Resolution.

A motion to suspend the rules to consider PL #52-15 and PL #53-15 was made by Alderman Jester, seconded by Alderman Gonzalez. Voice vote, ayes all. Motion carried.

b. PL #52-15: (Aiello) That the Common Council as Lead Agency concludes that the proposed Solar Farm text amendment to the City of Olean Zoning Ordinance is a Type I Action and that after full review of the Environmental Assessment Form determines that the project will have no adverse environmental impact and thus declares a Negative Declaration.

Ms. George stated that the Cattaraugus County Planning Board had requested a SEQR for the text amendment to the City’s zoning law regarding solar energy production facilities. Mr. DiCerbo added that this is required any time we make a change to the zoning law.

A motion to approve PL #52-15 was made by Alderman Jester, seconded by Alderman LeFeber. Voice vote, ayes all. Motion carried. Referred to Regular Meeting Tuesday, June 9, 2015 for Resolution.

c. PL #53-15: (Aiello) That the Common Council accepts the funding in the amount of $1 million made available by the New York State Empire State Development Corporation under the Restore New York Communities Initiative Program in connection with site work along with utility and infrastructure improvements to extend Constitution Avenue, with work to be performed by the Krog Corporation in accordance with City standards.

Ms. George stated that in 2007, the City had applied under Restore New York for grant monies. The City received $1 million to demolish nine buildings on the Agway / Feldmont properties, but Exxon Mobil declined the funds. She was recently made aware of an opportunity to utilize the funds to support the redevelopment of these parcels.

The plan is to extend Constitution Avenue onto the Brownfields site. The City would access the money and pass it on to Krog Corporation / Olean Gateway LLC to build a road on the property that is to the City’s standards. Mr. DiCerbo added that Krog will build the road, and then dedicates it to the City so that it is essentially the City’s property, and the City will maintain it. This is similar to “Leisure Lane” that accesses Good Times. Mr. Windus stated that this will include the infrastructure as well. It will only be about 500-700 feet of roadway, with one lane in and three lanes out. He also stated that it is the developer’s responsibility to have the traffic lights, signals, and crosswalks changed and upgraded.
Mayor Aiello stated that this will help with the issues that are occurring leaving the site, as it currently does not line up with the light and Constitution Avenue. Alderman Jester gave credit to Ms. George and Mr. Windus for chasing these funds down.

A motion to approve PL #53-15 was made by Alderman Jester, seconded by Alderman Gonzalez. Voice vote, ayes all. Motion carried. Referred to Regular Meeting Tuesday, June 9, 2015.

d. Discussion – Paper Street Abandonment

Mr. DiCerbo began by providing a handout to the Aldermen (attached). He discussed with the Aldermen what a paper street is. He explained that a paper street is a street that is on a map, but that was never developed. The intention was to give the City an easement to develop the street, but it never happened.

He stated that issues arise when adjoining landowners begin using the property tax-free, and they begin disputing over what belongs to whom. We have abandoned a lot of paper streets over the years, but this has only led to property owners getting extra large lawns with no taxes.

He continued that the City can deed the land to property owners if the City has a Resolution dedicating the street or if they have built a street; otherwise, the property remains in the name of the developer. There are some exceptions where adjoining property owners can get parcels, but this is dependent upon the deed of the properties.

The answer for the handling of each paper street is different. He stated that in some situations, you end up with landlocked tax parcels, which is not allowed by law. We need to look at each situation differently.

Alderman Jester questioned if this meant that they could not come up with an all-encompassing policy, and Mr. DiCerbo replied that we will need to take things as they come. We need to start by getting petitions from the adjacent landowners, and then decide who will be paying for the abandonment process. There is a lot of work that the landowners can do prior to the City getting involved that they could bring in to make the process easier.

Alderman Andreano questioned where they should go from here, Mr. DiCerbo stated that she should have everyone on Park Street get together, decide how they want the street divided, and then the City can look into abandoning the street. However, he cannot guarantee that the parcel they “get” will be “theirs”, as we cannot give away something that is not ours.

Mr. Windus stated that there are a lot of hazards we are facing. There are buildings that have been erected on these right of ways. He stated that from his point of view, he would rather abandon the City’s rights and let the landowners fight over the property.
Mr. DiCerbo stated that for example, let’s say that we abandon Park Street, We will have no obligation to maintain the property, and we will have no obligation to entertain property line disputes. However, we cannot deed, convey or sell the property, as we have no title to it.

Alderman leFeber questioned if we could charge the landowners for the title search. Mr. DiCerbo stated that we can, if we set up a procedure for this. Alderman Andreano asked if we could set up a procedure, where the City does the work and the landowners pay the associated fees.

Mr. DiCerbo stated that abandonment is easy, but conveying is not. He would rather have the property owners do the work and then present it to us. For example, there are 23 parcels adjacent to Park Street which would be affected. The cost for title searches and survey work will be $1,100-$1,200 for each parcel. We don’t want to get into this cost.

Mayor Aiello agreed that we should put the burden on the person who wants the street abandoned. We should tie up their time and money, not ours. Mr. DiCerbo recommended having a subcommittee put together, and then later bring the Council back for approval.

e. Executive Session

A motion to enter into executive session to discuss threatened litigation against the City was made by Alderman Andreano, seconded by Alderman Jester. Voice vote, ayes all. Motion carried. Executive session entered at approximately 6:55 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 7:40 p.m.

5. Adjournment

A motion to adjourn was made by Alderman Jester, seconded by Alderman Gonzalez. Voice vote, ayes all. Motion carried. Meeting adjourned at approximately 7:45 p.m.