

STRATEGIC PLANNING

Tuesday, May 18, 2021 – 5:45 p.m.

Council Chambers – Olean Municipal Building

Present: Members: Chairman Crawford, Vice Chairman Gonzalez, Alderman Witte, Alderman Barnard and Alderman Robinson. Others: Alderman Panus; Alderman Anastasia; Mayor William Aiello; Jack Hart, City Attorney; Fred Saradin, City Auditor; Bob Ring, Director of Public Works, and Tiffany Taylor, Managerial Confidential Administrative Secretary.

1. Roll Call

Alderman Crawford called the meeting to order at 5:45 p.m. and asked that the record show that all committee members were present.

2. Approval of Minutes of the Previous Committee Meeting (Tuesday, May 4, 2021)

A motion to approve the minutes of the previous committee meeting was made by Alderman Crawford, seconded by Alderman Gonzalez. Voice vote, ayes all. Motion carried.

3. Unfinished Business

None

4. New Referrals for Consideration

a. Discussion Items

i. Transfer from Water Fund Contingency for Capital Project

Alderman Crawford explained that there is currently \$75,000 left in Water Fund Contingency. Mr. Ring explained that he would like to transfer at least some to a capital line to fund a project that we have been trying to do for a couple of years. He explained that the Council approved grant applications for a hydraulic study, but the project was not funded. He explained that this is really an analytical tool to map the water system through the City. The City has replaced several major water lines in the past decade, including East State Street, North Union Street, and now Washington Street. He explained that some smaller lines were fixed that added a lot of volume to the system. A lot of work was put into those, but with a study of our system we would be able to maximize the efficiency of our water line replacement.

Mr. Ring explained that the tool would help maximize cost, and we would be able to determine what size line needs to be used in different areas. We would use this tool to the best of its ability, and it would be well worth having as we replace lines through the City. Alderman

Crawford asked about the cost, and Mr. Ring explained that he would have a final number in the next week. He explained that we asked for \$55,000 in the grant applications for this project.

Alderman Crawford asked if something like this helps the City's chances with future grant applications or opportunities. Mr. Ring explained that it couldn't hurt but he thinks that this will help more on the engineering side to provide the data for design of projects. He explained that it can't hurt with grant applications to show that you have done planning and you are shovel ready on a project.

Mr. Ring explained that a PL and Resolution will be on next week's Council agenda.

ii. Transfer from Building Repairs to Fire Department Equipment Repairs

Mayor Aiello explained that the Council had a discussion about this a couple of months ago, and that the Fire Department needed additional room and put in a new kitchen, workout room and storage on Central Fire Station. He explained that there has been some confusion amongst Department Heads on how to go about paying for this. He explained that we would like to clear this up by having funds transferred from Building Repairs to the Fire Department Equipment Repairs line item, which requires Council permission since money would be moved between departments. He explained that we just want to do this right, and that we are at the end of the year so we want to have this done and in the right order for when the independent auditors come in.

Mayor Aiello explained that he will have a resolution on the next week's agenda, and Alderman Crawford responded that he has no issues with that. He explained that getting accounting done correctly is definitely a great way to go. He explained that we were able to save money doing this project in house rather than going out to bid.

Alderman Witte asked for an itemized cost for this project, and Mayor Aiello explained that he would get this to the Council.

iii. Murals

Alderman Robinson explained that this is something that someone from Olean had contacted him about, and it was something that he had previously thought of but did not act on. He explained that Olean is a city that has a lot of blank walls and we are like an empty canvas. He things that in order to bring some artistic flair to the City, we should bring some murals to the City. He presented examples and ideas to the Council and Mayor, and explained that he found some ideas on the internet.

Alderman Robinson explained that there are actually streets in Washington dedicated to murals. He explained that there is a "Welcome to Chicago" mural that he presented a photo of

to the Council. He explained that a big thing right now is for people to take pictures with wings of an angel or butterfly, and they are done in a mural at a nice height so that anyone can stand in front of them and get photos. He explained that people literally travel to get photos of these.

Alderman Robinson explained that he thinks that Franchot would be a great place for a mural on the handball wall by the basketball court, and at the War Vets Park Recreation Center wall. He explained that another area is the tunnel going under the street to the stadium, as a lot of people walk through there. He explained that the mural in that location could consist of high school students or past Hall of Fame inductees. He explained that he is open to ideas and suggestions, and he thinks that this could be a great thing.

Alderman Gonzalez asked how cities do this, and how the murals are paid for. Alderman Robinson explained that he sees mostly volunteer artists who are people that want to get their work out there. He explained that this is similar to the artist in Cuba with the ice sculptures. The right artist could come along and leave their tasteful tag around town.

Mayor Aiello explained that we have been approached by an artist to do these. He explained that this artist's father lived here in Olean and she would like to do some work here. She has done work all over the U.S. HE explained that a committee is being put together to look into this with himself, Jackie Reed, Keri Kerper, Linda Witte, and Victoria Sweer. He explained that the Recreation Center wall would be perfect, and also the wall at the stadium. He explained that there is also a building at JCC and we have already reached out to see if they would like to participate. We are just waiting to see if they are on board. He explained that the artist has identified a couple of spots, and if Alderman Robinson would like we could have him added to the committee. Alderman Robinson responded that he would be honored.

Mayor Aiello explained that we have identified some public space that the Council could give approval to use. He explained that when you come from Buffalo Road under the railroad underpass, there used to be a McDonald's sign on the railroad bridge. He explained that we could put a "Welcome to Olean" sign in this location if we can get the railroad on board.

Alderman Crawford explained that it starts with the City taking that step forward and committing public space to this purpose. He explained that he feels that this is an absolutely fabulous idea. He explained that in Nashville, there are wings that people will line up to get a photo with., He explained that if we can integrate this, people will not only come to appreciate the art and take a photo with it, it will also increase foot traffic and cause possibly more shopping at businesses and eating in restaurants. He explained that we have to try new things and he thinks that this is a great start.

Alderman Crawford explained that Jeremy Lynch reached out to him today to see where we are with this, and he explained that Jack has been doing his due diligence to make sure that the City is protected as best as possible. Mr. Hart explained that he has enjoyed discovering the ins and outs of the scooter business and the laws. He explained that he is impressed with Bird Rides, and explained that Mr. Lynch and his company have been very forthcoming. He explained that his initial thought was that the City really needed to do an ordinance and define many things. He explained that he struggled with this because Bird does not suggest that.

Mr. Hart explained that there is an essential risk that is associated with the activity. He explained that except for what New York State law has decreed, the City of Olean has the absolute power to regulate what happens. He distributed to Alderman Crawford and the Mayor a summary of what New York State says because the law is rather dense but the rules that come out of it are pretty straightforward. He explained that a rider age 16 or 17 needs to wear a helmet, but the City has the authority to allow only users 18 and older to ride. He explained that Bird has an interest in this because a 16 or 17 year old cannot consent to a Waiver of Liability that is required to ride.

Mr. Hart explained that the Waiver of Liability is a legal instrument that is associated with the rental agreement, and before a rider gets on a scooter they sign stating that they are aware that they are 100% responsible for what happens to them and they are not going to lay blame on anybody. He explained that it is sort of complicated and that the waiver is often challenged when a lawsuit comes about. He explained that from a legal perspective, it would be nice to say that we are covered because this says the City won't be sued unless the City is specifically negligent.

Mr. Hart explained that from the City's perspective, we need to look at it from the point of view when a rider is on the scooter, driving our streets. He explained that we have rules about where they are supposed to ride (on the right hand side or in a specialized area for bicycles). He explained that when you are riding there is a percentage of people that will have injuries. He explained that the rate of these injuries are very low, but there will be claims that someone didn't take care of the highway properly or a pothole caused an accident. He explained that the bottom line is that there is a risk of a lawsuit.

Mr. Hart asked if the City is prepared to raise funds to do what is necessary to make safe riding area, and if the Council is prepared to say where people are authorized and not authorized to ride. He asked what speed the Council would like to authorize, and asked if we want a maximum of 20 miles per hour or if we want slower. Alderman Crawford explained that he thought that Bird said 12 miles per hour, and Mr. Hart explained that this is something that the Council may want to have a resolution or local law up from for to deal with.

Mr. Hart explained that it may be an option and make sense to allow Bird Rides to start out, see how it works and develop resolutions based on our real experience. He explained that he doesn't want to draft laws and make things up so essentially, we would have a very well drafted MOU with contract language and technical, legal elements drafted in there. He noted that he is still working on this and he is extremely comfortable where this is going.

Alderman Crawford explained that anybody can sue anybody today, and asked if there is any difference in risk with this than with a cyclist. He asked if a bicycle hits a pothole and they try to sue us, is it the same. Mr. Hart explained that he can't say if the amount of risk is lesser or greater, but yes, it is the same.

Alderman Witte expressed concern about current electric scooter riders who are not safe. Mr. Hart explained that any laws that we establish will deal with all electric scooters. He explained that one exception is that New York State has is in regards to parking scooters and sidewalks. Alderman Crawford noted that the New York State traffic law for these is already on the books. Alderman Crawford explained that Alderman Witte will have to work with the Mayor and Police Department with enforcement because it seems like the users she described have already broken the law. Alderman Witte explained that there are currently laws that say no bicycles on sidewalks but this is not really enforced because our officers are busy doing other things. She asked where enforcement will come into all of this and explained that the enforcement will be tricky. Alderman Gonzalez noted that, in all fairness, the Police Department does sometimes enforce the bicycle law and the Council was shown an example of that.

Alderman Crawford explained that as far as enforcement, when he first got his electric scooter he rode on the sidewalk by the City Building until Chief Rowley let him know that he can't ride on the sidewalk. He had not known that but the information was shared and now he does not. He explained that there is just some training and information that we need to get out there. Mr. Ring explained that education will be huge. He explained that we need to educate the public and we need to educate drivers. We need to keep speeds low and we need to build infrastructure. He explained that it has been proven country wide that scooters aren't any less safe than bikes, they are just new so people want to legislate them. He explained that cars are the most irresponsible elements to complete streets.

Mr. Hart explained that he asked about training and received from the company their training materials that he can evaluate. He explained that he would be happy to copy the Council on what he was sent. Alderman Witte explained that she feels the more education, the better. Alderman Crawford explained that this is a good point. The educational side of this is important. He explained that electric scooters are here regardless of whether or not we enter into this agreement with Bird. We need to educate riders just like we did motorists with the roundabouts. We need to create a corridor off of State Street on Washington Street and Henley

Street, and get people to use those and reduce speeds to 20 or 25 miles per hour. He explained that bike and scooter boulevards are where people would go to ride. We should look at this and see how it works out to see how to regulate it and where it is needed.

Alderman Gonzalez explained that we may be the first in Upstate New York, but we are not the first in the country. In other cities you don't hear about scooter massacres. Alderman Robinson explained that it is new technology but scooters are not a new concept. We don't provide training on how to ride bikes and skateboards. He explained that these are restricted to mature young adults and older and with that comes responsibility. He explained that we could make this a green city with this mode of transportation. When it comes to training, it falls back on drivers. We put signs up to look out for motorcycles, and drivers need to look out for these as well. He explained that in bigger cities there are millions of people. We don't hear about incidents with scooters really at all. He feels that it is safe to say that we would do fairly well with respectable people getting on a scooter and going from Point A to Point B.

Alderman Witte explained that she does not disagree but when we talk about areas to ride, she thinks about students who will have to come up West State Street. She explained that we need to look at routes. She mentioned driver's licenses, and Mr. Hart explained that Bird does not look for a driver's license in order to rent one of these. Alderman Crawford explained that what Bird requires is different from New York State rules. Mr. Hart explained that New York State allows riders to be 16 or 17, although a municipality can restrict riders to age 18 and older. Bird requires riders to be 18 or older.

Alderman Gonzalez asked if someone can get a DWI on an electric scooter, and Mr. Hart explained that you can. He explained that riders are subject to all laws that the State or municipality has, and Mayor Aiello added that it is a motor vehicle.

Alderman Anastasia explained that he has seen issues with drivers in roundabouts.

Alderman Crawford explained that Jack is still hashing out language in the MOU, and then Bird can start searching for a program manager and setting up shop, as well as putting the infrastructure in place. He explained that this gives the opportunity to start having conversations. He brought up to Mr. Lynch that St. Bonaventure is outside of Olean, and Mr. Lynch let him know that once there is an agreement in place with Olean, it gets the ball rolling for him to go to St. Bonaventure and other municipalities to expand the scope. He explained that they are hoping to start now while SBU is not in session so there is still time for more conversation.

Alderman Robinson explained that in major cities places like bus stops are set up for these, but not really in residential areas unless there are multiple complexes in one area. He explained that there is a route that you have to follow. He explained that for example, we could cut off at

Bradner Stadium since it is really only residential area in that direction unless we feel that there is a need to take these to Cutco or car dealerships.

Alderman Panus explained that we are a small city and without understanding the user that perhaps we should leave the boundaries open and then look for a reason to limit them. Alderman Gonzalez explained that Mr. Lynch did say to let the market dictate where the scooters need to be. Mr. Hart explained that it is his understanding that it is the City's responsibility to make sure that sidewalks are clear under ADA rules, and that the area about three feet back from the curb is where you leave the scooter, not in a centralized location. He explained that they are left and then picked up to be charged overnight. He explained that that is how they will be placed so they may be everywhere. He explained that we may find problems as we figure this out, that that is how they are going to do it.

Alderman Crawford explained that sometimes you just have to jump in. He appreciates trying to be proactive and thinking of potential problems but he thinks that this is just one of those issues where we work on something and learn as we go along. Mr. Ring explained that from a safety standpoint, on East and West State Street that is where you need to be most cautious as there are no bicycle facilities yet. He explained that he has seen a lot of distracted drivers as this is a popular travel route. He explained that the State Highway DOT wants 15 feet for shared bicycle and vehicle lanes and these lanes are 12 feet. He explained that some areas do not allow bicycles on the sidewalk. Alderman Panus asked about limits on the trail, and Mayor Aiello explained that it says no motorized vehicles so this will need to be addressed. Alderman Panus asked who the regulatory agency for the trail is, and Mayor Aiello explained that it is the respective municipality for whatever section of the trail which has an issue.

Mr. Ring explained that when we design bicycle facilities, we say bicycles should go a maximum of 18 miles per hour for curbing issues. He explained that there is part of the trail at JCC and we may want to regulate the speed to 10 miles per hour or at least something between 10 and 29 miles per hour.

Mr. Hart explained that he will consider all of this when he drafts the contract with Bird. He explained that he would be happy to put the Council's questions together and interface with Bird. Alderman Gonzalez explained that honestly, there would have to be a substantial issue in order for him to say no to this. Alderman Crawford agreed, but explained that he thinks that having questions ahead of time is good. He explained that this is on the agenda for Committee of the Whole next week.

Alderman Witte asked if bicycles and scooters can be ridden on sidewalks in parks, and Mr. Hart explained that it is up to the Council to regulate this. Alderman Crawford explained that this is a valid question. Mr. Ring explained that according to the Code you cannot. Alderman Crawford

explained that we should look at updating this portion of the Code. Alderman Panus asked if the bicycle restriction is just in certain places or on all sidewalks, and Mr. Hart responded that it is all sidewalks and Mr. Ring added that it is in all City parks as well. Alderman Panus explained that when the Council discussed bikes last year, it sounded like it was on the main streets only. Alderman Crawford explained that we will need to follow up on this.

v. Zoning Board Decision

Alderman Anastasia explained that he has received a complaint from a constituent on Fall Road regarding a Zoning Board issue. He explained that the board gave a resident permission to put up a fence taller than what is allowed in the Code and he would like to appeal the decision. He explained that he has never had anybody, in his experience, appeal a ZBA decision and he is unsure of the procedure. Alderman Crawford explained that he received a call as well. Mayor Aiello explained that Code Enforcement denied the permit application and this had to go to the Zoning Board for appeal, and the Zoning Board approved the decision. He explained that he believes that it is in the Zoning Board verbiage that someone can appeal to the Common Council before a lawsuit needs to be filed.

Mr. Hart explained that he is not familiar with the Common Council veto but he will look into it. Alderman Gonzalez explained that it seems that the resident went through the proper channels and got approval, and asked if the ZBA allowed for public comment. Mayor Aiello explained that there were issues with Zoom and one neighbor had a hard time getting on. He explained that he will talk to Mr. Hart to see about the procedure to appeal. Alderman Gonzalez asked if this is a formalized process and if there is an obligation to hear this at all. He explained that he would worry about going down this path. Mayor Aiello explained that he will let the resident put in his word to the Common Council, and Alderman Anastasia explained that he plans to come to the next meeting for public comment but he wanted to bring it up now. Alderman Robinson asked if more information would be obtained from Code Enforcement, and Mayor Aiello explained that he will get the Council more information and once the minutes are written from the ZBA meeting he will provide those as well.

vi. Stimulus Money

Mayor Aiello explained that he has a discussion with Senator Schumer's office regarding the stimulus money. He explained that there was some confusion with emails in the past two weeks, and he found out that the City's \$1.4 million in Federal stimulus money from the Recovery Act to be spent over two years is our money and we just have to submit things through the Treasury Portal for that money. He explained that the May 26th deadline is not involved with that money but is involved with things that the City would want Senator Schumer to put into a spending package that is forthcoming. He explained that we will submit a couple of

projects for the possibility of funding down the road. He explained that the \$1.4 million is earmarked for Olean and no one else. We just have to submit projects and as they are approved the money will come. He explained that the criteria is still there, and Mr. Saradin has a meeting tomorrow to talk about the lost revenue in a formula that was provided. He explained that there is not a big rush that we thought there was.

5. Approval of Committee Reports

None

6. Adjournment

A motion to adjourn was made by Alderman Crawford, seconded by Alderman Gonzalez. Voice vote, ayes all. Motion carried. Meeting adjourned at approximately 7:00 p.m.