

WORK SESSION of the OLEAN COMMON COUNCIL

Tuesday, September 12, 2017 – 5:30 p.m.
Council Chambers – Olean Municipal Building

Present: Alderman Gonzalez, Witte, Andreano, Dougherty, Crawford, Smith, and George.
Others: Mayor William Aiello; Nicholas DiCerbo, Jr., City Attorney; Bob Bell, Fire Chief; Jeff Rowley, Police Chief; Ed Jennings, Caption Codes Enforcement and Michiko McElfresh, Mayor's Secretary.

1. Roll Call

Alderman Gonzalez called the meeting to order at 5:33 p.m. and asked that the record show that all Aldermen were present.

2. PL #25-17: (Dougherty) To amend and replace the City of Olean Code of Ordinances Chapter 12 in its entirety with the following: Chapter 12, Property Maintenance and Residential Occupancy Code: Article I, Property Maintenance Code; Article II, Residential Occupancy Certificates; and Article III, Rental Dwelling Registration, Inspection, and Occupancy permits.

Alderman Gonzalez stated that this is a piece of legislation that has been discussed for a few months now and turned the meeting over to Alderman Dougherty.

Alderman Dougherty said that the last time the Council discussed the PL, the Council had questions for the City Attorney and Codes Officer. In addition they wanted the City Auditor to provide the Council with the employment cost of an additional codes officer.

Mr. Gonzalez clarified that this meeting is not a public hearing and asked how many residents planned to speak. He got a number of 15 and determined that there would be a three minute limit. He stressed that a public hearing will be announced before the legislation goes to the floor which will provide another time for the public to speak

Alderman Crawford said that it was good to have the City Attorney and the Codes Officer at the meeting to answer the Council's questions. He added that if the council were to pass the legislation they wanted it to be self-sustaining. They want an accurate cost—the \$50/3 year fee has been tossed about, but the Council wants to make sure that that will cover the expense. It should be viewed as a cost of doing business in Olean, not a City expense that is passed on to all taxpayers. He said that he has reached out to the Mayor and the City Auditor to calculate the expense.

Alderman Gonzalez reiterated that fee/year has not been established, it has to be sustainable.

Alderman Crawford agreed.

Alderman Gonzalez asked Captain Jennings how many rental properties are in the City of Olean and what type of staffing would be necessary to accomplish the inspections.

Captain Jennings responded that there were about 2,700 rental units. In his opinion, he believes that one full time inspector would be able to accomplish the inspections on a three year schedule. He said that in Hornell they are on a schedule and one man is dedicated to the inspection.

Alderman Witte asked if the 2,700 number included the units owned by the Olean Housing Authority.

Captain Jennings said that the figure does not include the HUD housing and there was a discussion that HUD is the “owner” of the Olean Housing Authority properties.

Alderman Witte asked if the County does inspections. Captain Jennings said that currently the County does not do inspections.

Alderman Witte said that Hornell does work with the County and what she is afraid of is that Hornell has many things in place: for instance they have a housing court and their BOCES rehabilitates houses, etc. She is afraid that if Olean goes forward it will not be a silver bullet.

Mr. DiCerbo said that in regard to Hornell’s Housing Court it has to be noted that Hornell does not have a full time City Court, which Olean does have. Therefore Olean’s City court will be able to handle the additional load that will come from this legislation.

Alderman Witte said that she talked to Mayor Sean Hogan of Hornell and he said the Housing Court worked because there was no conflict of interest.

Alderman Gonzalez said that that was a good point, however Hornell’s law was not built in one day, the Council to start somewhere.

Alderman Witte said that the population of Hornell is 10,000.

Captain Jennings said that Hornell has two officers in Code Enforcement.

Mr. DiCerbo said that the office inspects houses whenever there is a turnover.

Alderman Andreano asked for a definition of transfer—would it be when the property was sold or when tenants moved.

Mr. DiCerbo said that it would be both.

Alderman Crawford asked if there was a way to quantify Hornell's program. Has blight decreased? Is there a decrease in complaints?

Captain Jennings responded that the Hornell Codes office had the Fire Department doing inspections which worked, but the office has they have it staffed currently is working much better.

Alderman Crawford asked Captain Jennings to shed some light on why the current laws do not work.

Captains Jennings said the City Attorney brought it up to date—it was archaic and definitions needed to be added. This law defines the responsibilities of the owner and the responsibilities of the tenant. and gets away from the Certified Mail piece.

Mr DiCerbo elaborated. He said that Codes can access a property only if a complaint is filed. Under the new law, probable cause will be driven by the inspections. The law is not new, Hornell has had it place. Hornell landlords have sued. It has gone through the courts and has been upheld.

Mr. Gonzalez referred to a letter to the editor written by Rev. John A Lounsberry. In the letter Mr. Lounsberry wrote, "If the legislation passes, I fear that the standards apartments might be held to are beyond what is reasonable. I worry that there may be inadequate time frame to make repair." Alderman Gonzalez asked Mr. Jennings to discuss the standards.

Captain Jennings used the Hornell check-list to described the standards. He said that they are minimum standards and that they are mostly derived from New York State Codes.

Alderman George asked if Codes currently uses that check list and Captain Jennings responded yes.

Alderman Andreano asked if the City can require landlords to carry insurance and if so, wouldn't the insurance carrier do the inspections?

Mr. DiCerbo said that the City cannot make landlords carry insurance.

Alderman Andreano asked if that is City Law or State Law. Mr. DiCerbo said that it is Constitutional law. He briefly explained the rationale: City can't act if State hasn't, State can't act unless Federal Government has acted. Federal government has not acted on landlords required to buy insurance.

Alderman Dougherty added that different insurance companies have different standards. Some will do inspections and require owners to make changes, others will not inspect.

Mr. DiCerbo said that if the City were to require property owners to have licenses—part of the requirement could include the that they hold a General Insurance policy as is required for contractors and plumbers. But when drafting this with Alderman Dougherty they decided not to require a license.

Alderman Dougherty asked if the cost of building inspector could be made available before the meeting was concluded.

Mayor Aiello said that they have met with a group that is interested in doing the inspections, but said that Fred probably has the numbers.

Aldermen Witte said that she has one more question she has people asking her if they will check apartments when people are living there.

Mr. Gonzalez said that as he interprets it an inspection is good for a period of time regardless of who lives there.

Mr. DiCerbo said that is something that the Council gets to decide.

Alderman Gonzalez moved to the public comments. One at a time, state name and address and please stick to three minutes.

3. Public Comment

Josh Anderson--6 Barnside Lane—He asked about landlords that rent out bedrooms. He thinks that if they are checking apartments they should also be checking out the homes where bedrooms are being rented.

Chris Stanley—3406 Buffalo Road, Allegany, NY—He said that the Council should do a better job communicating with the public. Many of the people in the audience thought that this was the only time that they could speak. He also wants a copy of the bill. He had the hardest time getting a copy. The only one he could get his hands on, sent by the attorney's office, says that this document is the original draft, it does not reflect ongoing edits and/or additions". He wants a current copy of the bill to distribute so it can be discussed intelligently. He added the the bill the he received contradicts itself. And although it has a good list of requirements the bill does not have an enforcement mechanism—no teeth at all. Some place say that pest control is a responsibility of the land lord, other places say it is the responsibility of the tenant.

John _____ -- Is this for all properties after they have been sold and all rentals. Alderman Dougherty explained that properties that have transferred title will get inspected. And rentals will be inspected when the tenants. John _____ said that that is problematical as there are blighted properties all over the city, but they if they are owner

occupied, they will never be inspected. He said that he takes care of his properties. He said that the City should budget for a few Codes officers and all homes in the City should be inspected.

Mr. DiCerbo responded to Dr. Stanley's comments: clarifying the differences between Article II and Article III.

Alderman Gonzalez added that complaint mechanism is still there, so if a property goes is neglected after it is purchased, citizens can make a complaint.

Sandra (did not give her last name)--She is great concern for herself and her neighbors as there is a sex offender in their neighborhood.

John Lounsberry 22-- ____ Hinsdale Road--Sometimes he has bad tenants that destroy his apartments. He said that he puts thousands of dollars into them and does not want big brother to inspect his properties. Olean has a medical closet because of him—he does plenty for the community and keeps his properties in good shape without the inspections.

Diane Tripanny--132 North 8th Street--When she moved to Olean she was a tenant and appreciates this bill. She was a good tenant. They fixed their home and eventually bought it, but if the house had been inspected, it would have helped them bargain. Good piece of legislation—should be whenever there is a vacancy. But she understands why people wouldn't want an outsider in the house inspecting it.

Scott Paoletto—311 North 11th Street--Mr. Paoletto did a quick cost analysis ($2,700 * 50 = \$135,000$. $\$135,000 / 3 \text{ years} = \$45,000$. $\$45,000 / 2 \text{ men} = \$22,500$). And that is without insurance and other benefits. So the City will have to start taxing. People should take pride in their home. He and his neighbors take care of their street and their neighbors.

Helen Johnson –217 North Second Street—Ms. Johnson stated that the \$50 fees is the cost of doing business—not sure if it will change the attitude of the people who do not take care of their properties. But inspecting it every three years is good place to start.

Alderman Gonzalez said that the \$50 fee is a working number. They have not determined what the dollar amount would be to make the position sustainable.

Spencer Mummery—503 North Eighth Street--He said that he thinks that the legislation is good and it will help our town landlords have the civic responsibility to take care of their properties.

Leah Simone—1013 West Henley Street—She supports the bill. She said that a landlord is a neighbor and can negatively affect the neighborhood and devalue property. Codes and zoning in Olean need to be improved and enforced. Inspections should occur more often. She

applaud good land lords. Distrurbing factor in Olean is that there are more bad apples than good apples. Has seen animal abuse and drug dealing. Homes are decaying.

Kevin Barthlomew—737 Bishop Street—He said that this is a touchy subject. He thinks that every 5 years would be fine, but there is an element that would require it to be checked more often. He asked if they should they have a real estate license. His sister-in-law has an uncle who owns 7 properties in California. It got to be too much for him so her son asked a real estate company to take care of the properties. So the bottom line is should these land lords have a real estate license? Only a handful of landlords do not take care of their properties, he has seen tenants move out at night. Social Services had to become more responsible.

Karen Callahan—2075 Hillcrest--Confusion of the inspection--Is the \$50 every time the apartment become vacant or is it every 3 or 5 years? She said that a number of her apartments are short term for hospital or Dresser employees—turnover could be less than a year. And the fee would add up. She also wanted to know when does this become the responsibility of the tenant? Her units have smoke detectors, the tenants take them down.

Terry Howard—510 North 4th Street--He has heard all the discussions and it is about time the city does something about the blight. A handful of landlords have created a mess and its got to stop. He buys houses on his street so they can't. The \$50 is just a business expense that tenants will ultimately pay. He commends the new legislation. The neighbors are buying up all the properties.

Eric Maroud--1327Seneca Ave—Spoke to Alderman Dougherty and his understanding is that this legislation is for the safety of the tenants and to try to conquer blight. Problem lies with not being to take action. \$3/ per unit per month. Plays \$2,100 in city taxes—he thinks it is unfair to go after the good landlords. Instead he thinks that current laws should be enforced.

Ray Forness—310 Coleman—He asked for copies of the legislation. Alderman Gonzalez state that we should urge caution when using a draft. As we saw this evening there could be misconceptions. Mr. Forness said that he would like to look it over before it becomes law.

Jess Anderson—York Street—HE asked how everyone was doing. He added that he is not really for or against the new inspection. He keeps hearing the word blight and decided to look up the definition. When he saw what blight means, he wondered why we are chasing our tails and discussing this \$50 fee. Dress Rand just took 28 jobs from the Olean. He wondered what this Olean “think tank” is doing to keep business in Olean. The focus should be on bringing new business to the area—putting a fresh coat of paint and fixing broken windows is not going to keep businesses in Olean. ...(The City Officials) should be knocking on the doors of businesses asking them to stay here – not focused on the big picture

Alderman Gonzalez said that he frequently hears what can the Olean do to keep businesses in Olean and stated that the City is doing what the CEO's are asking—make Olean an attraction. Make Olean a place people want to live. And cleaning-up our neighborhoods is an important element in making Olean desirable.

Mayor Aiello elaborated and said that the City is working with and listening to the CEO Alliance who want Olean to be destination place. And part of that is taking care of the run down properties.

Charlotte McLaughlin—Delaware Avenue—She applauds the City for their efforts. She does not think it goes far enough. She thinks that it should be more comprehensive, it should be in the budget and should be City wide—not just for landlords and rental properties. She would like a copy of what is being proposed and would like to see a copy of the statute that Mr. DiCerbo mentioned regarding insurance. She would like to have her taxes raised to make to make it the legislation more comprehensive and include every building in the City to be inspected.

Jerry_____--319 Henley Street--A few years ago students went out with clipboards to inspect sidewalks. Students could do the same thing with blight and report violations to Codes. There is no number on this building—the City should take care of its own building first.

Alderman Gonzalez said that when there is a final bill there will be a Public Hearing and residents will have a chance to speak again, and a copy of the final bill will be provided.

4. Adjournment

The work session adjourned at approximately 6:40 p.m.