

# **Journal of Proceedings**

OF THE COMMON COUNCIL OF THE CITY OF OLEAN, N.Y.

November 14, 2017

## **COMMON COUNCIL CHAMBERS COUNTY OF CATTARAUGUS STATE OF NEW YORK**

*A Regular Meeting of the Olean Common Council of the City of Olean was held on Tuesday, November 14, 2017 at 6:30 p.m.*

**PRESENT:** *Aldermen Gonzalez, Witte, Andreano, Dougherty, Crawford, Smith, and George*

**ABSENT:** *None*

**OFFICIALS:** *Mayor William Aiello; Al Utecht, City Clerk; Nicholas DiCerbo, Jr., City Attorney; Fred Saradin, City Auditor; Bob Ring, Director of Public Works; Bob Bell, Fire Chief, Jeff Rowley, Police Chief, and Tiffany Taylor, Managerial Confidential Administrative Secretary.*

*At this time a prayer was given by Pastor Tyrone Hall of The Lighthouse Church, followed by a salute to the flag.*

### **READING, CORRECTING & APPROVAL OF THE MINUTES OF THE PREVIOUS REGULAR MEETING**

*A motion to approve the minutes of the October 24, 2017 meeting was made by Alderman Gonzalez, seconded by Alderman Crawford. Voice vote, ayes all. Motion carried.*

### **COMMITTEE REPORTS & UNFINISHED COUNCIL BUSINESS**

*Report from Public Safety Committee on PL #25-17, to amend and replace the City of Olean Code of Ordinances 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. Committee recommends approval. Referred to City Attorney for Resolution.*

*Report from Public Safety Committee on PL #92-17, to authorize the removal of “No Parking 3 p.m. to 6 p.m.” signs on the south side of East State Street between Clinton Street and Fulton Street, and on the north side of East State Street between Clinton Street and the East State Street Bridge. Committee recommends approval. Referred to City Attorney for Resolution.*

*Report from City Operations Committee on PL #93-17, to authorize the installation of three (3) signs for the Olean Public Library in the following locations: North Union Street, near its intersection with Laurens Street; North Fourth Street, near its intersection with Laurens Street; and West State Street between South Fourth Street and South Fifth Street. Committee recommends approval. Referred to City Attorney for Resolution.*

### **COMMUNICATIONS FROM THE MAYOR**

*None*

### **MISCELLANEOUS COMMUNICATIONS**

*Liquor License Class Change – Rafi’s Platter, LLC – 800 Wayne Street, Olean*

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## **CITY OFFICIAL REPORTS**

*None*

## **PROPOSED LEGISLATION AND REFERRALS**

*PL #94-17: (Aiello) To authorize the Mayor to enter into an agreement between the City of Olean and the Olean City School District Board of Education for the School Resource Officer Program. Referred to Regular Meeting Tuesday, November 14, 2017 by Council President.*

*PL #95-17: (George) To authorize the installation of a street light on National Grid pole #14 on Walnut Street. Referred to Committee of the Whole Tuesday, November 28, 2017 by Council President.*

## **PUBLIC COMMENT/INPUT**

*Alderman Crawford began by stating that we have a great turnout, and he wishes that every Tuesday was like this. He stated that the Oxford House that has been discussed recently in his ward, and he has received calls from constituents both for and against it. He wants to share his opinion, which is not necessarily the opinion of the City. He stated that recovering people need help and support, and places such as these aid in the prevention of relapsing. The Federal Law says that addicts are handicapped and are afforded protections as such; however, he still feels that the owners of this house need to follow procedure. Rules are a must. He is concerned with the lack of transparency. The Oxford House is indeed needed, but if the house members are required to follow strict rules, he feels that the house owners should need to as well.*

*Alderman Witte stated that she very much agrees with Alderman Crawford's comments. She has learned recently in meetings with owners of the Genesis House and Oxford House a lot, and there are many misconceptions. She feels that we need to bring both sides to the table and have an open discussion. The City needs to be a part of this discussion.*

*Alderman Smith stated that there was an article in the Buffalo News over the weekend regarding Niagara Falls, as they are having issues with their sewage system and plant such as the one that we just went through. Over 600 million gallons of sewage was dumped into the Niagara river, and this dwarfs our problem. They are now working with the DEC to find a solution. He wants the public to know that there are other communities facing the same challenges as Olean.*

*George Lapennas of 653 Garden Avenue stated that in regards to PL #92-17, the proposed sign removals do not include several other "No Parking 3 p.m. to 6 p.m." signs in that area. There is nothing in the Code regarding any of these signs, so he doesn't understand why we would remove some signs, but not all. A significant portion of the conversation regarding the sign was removal gave the rationale that they are no longer needed because this is a street that travels one lane in each direction, where it used to travel two lanes in each direction. The signs were previously needed to move traffic, but now are not. He suggests postponing the matter until it can be revisited.*

*Melissa Ensell of 301 Coleman Street Apt C stated that the Oxford House is separate from the Genesis House. She stated that in 1997, she and a group of friends witnessed a drug bust that involved an Olean resident. Chelsea Lyons is not an out of town dealer who sold heroin laced with fentanyl, she is from Olean. The Oxford House will not bring addicts to Olean. They are already here and we should help them. The Oxford House is trying to help people with addiction start a new, better*

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*life. The Genesis House is trying to help those who are victims of domestic violence and homeless start new, better lives. She urges the Council to have open ended zoning laws for both of these types of residences.*

*Spencer Mummery of 501 North 8<sup>th</sup> Street stated that from what he has learned regarding this Oxford House, the City does not have much legal backing to go against these places. We shouldn't be attacking these people.*

*Elaine DeGiglio of 706 Prospect Avenue stated that she is concerned. She is raising her 14 year old daughter here. She has given money to the United Way and the Genesis House, understanding that its goal was to help women with children who were victims of domestic violence. She had no idea that they also help addicts. She feels that people with addiction problems need to be held accountable. She doesn't want to see these homes in residential areas. She is worried and concerned. Her sister has a drug problem, and she doesn't need a home. She needs methadone, doctors, and counselors in a medical setting. She feels that Olean can do better than this Oxford House.*

*Kathy Paciorkowski of West Clarksville stated that she bought a rundown house in Olean for her son to fix up and own. She presented a chart that shows the different locations of CARES, and explained that they are attempting to expand to have more beds for more addicts. She stated that she doesn't know why addicts are considered "homeless". She stated that the Genesis House advocates to get people on social services. The goal is to help as many people as possible through County agencies. She stated that once these people are on social services, they leave the Genesis House and go to stay in a home owned by one of the Genesis House's "preferred landlords". She stated that she volunteered for the Genesis House for three years, and she realized that it does not house just women and children. They are also evicting their own homeless, and they end up in slum housing. The Genesis House is, essentially, filling slum apartments and aiding with the blight issue in Olean. She stated that there are two big reasons that people leave Olean, and that's because of drugs and slums.*

*Chris Stanley of 3406 Buffalo Road stated that he feels that the Oxford House is important and should be supported. When he saw the stories in the paper, he did some reading. He stated that people have to be clean to be able to move into these homes. They are living together in a supportive arrangement, which research shows is one of the best ways to recover. He stated that the houses have encountered opposition at times, but as the Federal Government and HUD classify addicts as disabled, they are afforded protection. If ten committed Christians chose to live in a home together, rather than ten addicts, he doesn't feel that there would be the opposition that we are seeing. He feels that people are prejudiced against people with drug and alcohol problems. Instead of opposing this, we should be supporting. This is not a shelter and not a rooming house. He feels that the case isn't that they failed to follow the rules. He feels that the City has no rules to follow for a home such as this.*

*Robert Morgan of 120 East Avenue stated that he moved back to Olean recently. He feels that a City can be judged based on how their worst off are treated. He feels that there is selective enforcement of Codes. He presented the Council with a petition with over 1,200 signatures from people who are asking that zoning be investigated for these "attacks" against one of the oldest not for profit agencies in the area. He asks that the Council consider the impact on the City if we lose these services. He asks that every possible measure be taken.*

*Meghan Linn of 902 West Henley Street stated that she was an addict on and off for 12 years, and she has been sober for four years. She is attending JCC with a 3.9 GPA. She has faced much adversity due to her struggles with addiction. She got clean using resources in the local community. She stated that she is proof that you*

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*can survive the blight of addiction. People don't come out of an active addiction with a car and money. We need to help them rebuild.*

*Joseph Shaw of \_\_\_\_\_ stated that he went straight into the Army out of high school, and with that, he has seen good and bad. He is here to let everyone know that we should be part of the solution. There is a lot of misconception about addicts. A multitude of issues could cause an addict. The amount of medication he was required to take for medical reasons could have turned him into an addict. He fights PTSD every day by helping people. He wants to help in any way he can to keep people from hanging out and doing the wrong thing.*

*Collin McGellon stated that he is an alcoholic, and his sobriety date is September 2, 2017. She served as the Genesis House Manager and a volunteer for four years. He stated that in his experience, it is great to be a part of an organization that has helped so many people. There is a lot of misconception. He feels that the City should find some way to move forward to a brighter future. He asked that the Council do not place limits on him, or on anyone else, because of their disability.*

*Scott Paoletto of 318 North 11<sup>th</sup> Street stated that he is happy to see everyone here. Homelessness and drug abuse are major issues, and we need to find an answer. He asked if the houses have taxes paid on them, if they are taken care of, and if we get any 911 calls regarding them. If the answer to all of these questions is no, then why would we not want to help these people out? He didn't know that these places were there, so they can't be that bad. People need a safe place to go, so they aren't on the street doing drugs. Homelessness is out there, and he would rather see people living in these homes than have them out on the streets where the Police Department has to worry about them. These people also need to eat, so they are contributing money towards our economy. We have some big issues, and we need to think outside the box to solve them.*

*Amanda Slater stated that she is in long term recovery, and she has been clean for six years in March. She came to CARES as an opiate addict for many years. She went to plenty of treatments and rehab centers, and she had the best parents and upbringing. Alcoholism and addiction ran on her Dad's side of the family, so she feels that there is a genetic disposition. She stayed in the Wendy House (associated with CARES), and got involved in the recovery community. They saved her life. When she was in the Wendy House, she had to volunteer for a not for profit, and she chose the Genesis House. While she volunteered there, she was taught responsibility and consistency. Over time she became the house manager, and she learned to write grants from Ms. Lounsbury. She stated that she has continued to work in the not for profit community. She finds that people who do not have support in the community go to treatment, and relapse when they return to the community. She found an Oxford House in Jamestown, and as she was impressed with the idea and what they do, she called the organization to see what she needed to do. She spoke with Ms. Lounsbury regarding renting a house for this cause, and she did everything that the Oxford House had instructed her to do. When she opened the house on Bishop Street, she went to the heroin task force meeting announcing the house's presence, and she has spoken with Ms. Holcomb (in the Olean City Court) regarding the home.*

*Ms. Slater continued in stating that if someone relapses while in the home, they can no longer live in the home because it creates a risk to other men in the home. She stated that she encourages the person to go to detox or rehab, and she will actually personally drive them herself. If they refuse, there is nothing they can do; however, they do try to get them help by sending them to rehab or detox rather than throwing them out on the street. She will be at house meetings and work as the house treasurer until the house stabilizes. Only one man in the house is on disability, and it is not addiction related. A lot of the guys have two jobs. They only pay low rent because they share the housing expenses. They do pay rent and utilities, and they do*

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*contribute to the economy.*

*Kevin Bishop of 737 Bishop Street stated that he has not heard of an Oxford House until about two weeks ago. He stated that he understands that these sort of places need to be there, but there was no variance, and no one knew. For a soccer field, the organization proposing the project had to notify neighbors and go through a zoning process. He is not saying that addicts are bad people, he just wants more transparency in the project and he doesn't want the dynamics of the area to change. He is proud of anyone that can straighten up their act, and he wants to see people go to long term facilities to get the proper treatment that they need. After that, they can transition to the Oxford House. He stated that we need to look at safety issues in these homes, such as if sprinklers are needed due to the number of residents, and that's a good reason to ensure proper zoning procedures. He feels that people should be made aware before an Oxford House is created.*

*Kelly Sweet of Laurens Street stated that, as the attorney from Oxford House found, there is no "group home" definition in zoning. You do not need a variance prior to moving into a rental house. She feels that the need for a variance prior to moving into a home is a ridiculous concept. She stated that there is a no drug or alcohol policy at the Oxford House. Her rental has a no pet policy. She has rules to follow, just like the tenants in an Oxford House. The rules do not make this different from any other rental. She stated that the letter sent to the City from the attorney for the Oxford House states that the residents are transient in nature. They are all responsible for the payment of bills. To say that the Oxford House needs to follow certain zoning rules is ridiculous. Most of what was stated by Ms. Paciorkowski is speculative.*

*Christina Lopez of 1013 West Sullivan Street stated that she agrees with people who say that they want more and better for Olean. As a person in the technical profession, she is used to constant change, and she knows that we need to embrace it. She disagrees that people leave Olean because of addicts. When you are rich enough to get away from the slums, you still don't get away from addiction. She wanted to leave this area because it is not changing and not moving forward. We need to be comfortable and excited about change. The only way to really move forward is to heal, come together, work together and agree. She loves the people here, and she feels if you can't make it in Olean, you can't make it anywhere. It's easy here. If she can make a tech company work in Olean, New York, and if she can help Olean rise, then we can find a way to make this (the Oxford House) work. You can't stop change. It is like the wind. You can deflect it, you can try to reflect it, but it is best to harness it to use it where you need to go.*

*William J. of 125 South Third Street stated that he is new to New York, from Kentucky. He wants to remind people that as humans, we are a virus to our own world. We need to defy the human condition. We are defying advancement and progression. We can't shut down a home that is helping people to better themselves.*

*Alderman Crawford stated that he is happy to see that we can come together as a community in a proactive and positive manner. He learned something tonight. This is much more beneficial than what goes on, on social media.*

## **FINANCE / BILLS**

*None*

## **RESOLUTIONS**

**RESOLUTION #85-17**

**PL #88-17**

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By Alderman Gonzalez, Seconded by Alderman Smith

**TO AMEND THE CITY OF OLEAN CODE OF ORDINANCES CHAPTER 24, SECTION 24-134,  
TO INSTALL “NO PARKING OR STANDING” SIGNS ON A PORTION OF YORK STREET**

**RESOLVED**, that Chapter 24, Section 24-134 of the City of Olean Code of Ordinances is hereby amended to include the following:

Street	Side	Extent
York Street on the  Union  Drive (for	North	No Parking and No Standing  straightaway between South  Street and East Riverside  a total distance of 118 feet)
York Street  and East	South	No Parking and No Standing between South Union Street  Riverside Drive (for a total distance of 154 feet)

**RESOLVED**, that this Resolution is effective immediately.  
**ROLL CALL, AYES ALL. MOTION CARRIED.**

Mayor Aiello stated that the School Resource Office Program is an excellent program that we have had in place with the school for some time, and we are simply renewing the agreement. He stated that we also receive 65% of the benefit cost for the officer from the school, so this is a very good deal for us. In this day and age, it is important to have an officer present at the school. He stated that there may be discussion down the road for two officers for the program, rather than one, so that one can be at the middle school and one at the high school. The program had two officers several years ago and he is interested in getting back to that.

Alderman Crawford questioned if this is the officer’s full time duty, and Mayor Aiello replied that they are at the school when it is in session, and then are on patrol on school vacations and during the summer.

**RESOLUTION #90-17**  
**PL #94-17**

By Alderman Witte, Seconded by Alderman Crawford

**RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN  
AGREEMENT BETWEEN THE CITY OF OLEAN AND THE OLEAN CITY  
SCHOOL DISTRICT BOARD OF EDUCATION FOR THE SCHOOL RESOURCE  
OFFICER PROGRAM**

**WHEREAS**, The Board of Education and the City desire to provide law enforcement and related services to the public schools of Olean, New York, and

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**WHEREAS**, The Board of Education and the City recognize the benefits of the Program to the citizens and, particularly, the students of Olean, New York; and

**WHEREAS**, Establishment of this Program is in the best interests of the Board of Education, the City, and the residents and students of Olean, New York; and

**WHEREAS**, the City shall assign an Olean City Police Officer with rank less than Sergeant to the SRO position and fulfill the obligations of that position as defined by contract between the City and School; and

**WHEREAS**, the City of Olean Police Chief will assign a command officer to supervise the SRO and liaison with school personnel and administration and carry out the supervisory obligations of such position as defined by contract between the City and the School.

**NOW, THEREFORE, BE IT RESOLVED**, the Mayor is authorized to enter into an agreement between the City of Olean and the Olean City School District Board of Education for the School Resource Officer Program for the term September 1, 2017 through the end of the school year 2020, expected to be on or about the third week of June 2020.

**RESOLVED**, the City of Olean shall receive compensation from the City of Olean School District in the amount of 65% of the officer's salary in each of the three years of the Agreement.

**BE IT FURTHER RESOLVED**, that this Resolution shall take effect immediately.

**ROLL CALL, AYES ALL EXCEPT ALDERMAN ANDREANO, WHO ABSTAINED. MOTION CARRIED.**

## **RESOLUTION #92-17**

### **PL #92-17**

By Alderman \_\_\_\_\_, Seconded by Alderman \_\_\_\_\_

**TO AUTHORIZE THE REMOVAL OF "NO PARKING 3 P.M. TO 6 P.M." SIGNS ON THE SOUTH SIDE OF EAST STATE STREET BETWEEN CLINTON STREET AND FULTON STREET, AND ON THE NORTH SIDE OF EAST STATE STREET BETWEEN CLINTON STREET AND THE EAST STATE STREET BRIDGE**

**RESOLVED**, that the Common Council authorizes the removal of "No Parking 3 p.m. to 6 p.m." signs on the south side of East State Street between Clinton Street and Fulton Street, and on the north side of East State Street between Clinton Street and the East State Street Bridge.

**RESOLVED**, that this Resolution is effective immediately.

A motion to postpone Resolution #92-17 to the November 28, 2017 Regular Meeting to reevaluate signage in the area was made by Alderman Gonzalez, seconded by Alderman Smith. Voice vote, ayes all. Motion carried.

## **ADJOURNMENT**

*Motion to adjourn was made by Alderman Gonzalez, seconded by Alderman Dougherty. Voice vote, ayes all. Motion carried. Meeting adjourned at 7:50 p.m.*

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\_\_\_\_\_  
*Alexander Utecht, City Clerk*

\_\_\_\_\_  
*Mayor William J. Aiello*

\_\_\_\_\_  
*Paul Gonzalez, Council President*

*I hereby approve the foregoing minutes*  
*Dated: \_\_\_\_/\_\_\_\_/\_\_\_\_\_*

**STATE OF NEW YORK**  
**COUNTY OF CATTARAUGUS**  
**CITY OF OLEAN**

*I, Alexander Utecht, City Clerk of the City of Olean, do hereby certify that the foregoing minutes of the Common Council of the City of Olean is the true and correct copy of the whole thereof.*

\_\_\_\_\_  
*Alexander Utecht, City Clerk*