

Journal of Proceedings

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

December 26, 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, December 26, 2017 at 6:45 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; Keri Kerper, Community Development Program Coordinator, and Tiffany Taylor, Managerial Confidential Administrative Secretary.*

At this time a prayer was given by Father Gregory Dobson of The Basilica of St. Mary of the Angels, 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 December 12, 2017 meeting was made by Alderman Gonzalez, seconded by Alderman Dougherty. Voice vote, ayes all. Motion carried.

COMMITTEE REPORTS & UNFINISHED COUNCIL BUSINESS

None

COMMUNICATIONS FROM THE MAYOR

Mayor Aiello announced that this will be Mr. Utecht's last meeting as the City Clerk. He has been with the City for 11 ½ years, and we thank him for his service and wish him well in his retirement.

MISCELLANEOUS COMMUNICATIONS

Application for a Liquor License – Smiley's RNP, LLC – 501 North 8th Street, Olean

CITY OFFICIAL REPORTS

Monthly Report of the City Auditor – month ended November 2017

Quarterly Report of the City Auditor – six months ended November 30, 2017

PROPOSED LEGISLATION AND REFERRALS

PL #98-17: (Aiello) To authorize the Mayor to enter into an agreement with LaBella Associates, D.P.C., to provide sampling and analysis of groundwater and surface water samples for the Ischua Landfill for the period 2018 through 2020 for a cost not to exceed \$68,100. Referred to Regular Meeting Tuesday, December 26, 2017 for Resolution by Council President.

PUBLIC COMMENT/INPUT

Alderman Witte stated that Mr. Utecht had served when she was Mayor, and you

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cannot find a harder worker than him. He will certainly be missed. Alderman Smith echoed Alderman Witte's comments, and stated that Mr. Utecht did a great job and did the City right.

Mr. Utecht stated that this is his last Council meeting, as he is retiring at the end of the month. He has enjoyed working with various Council members and administration over the years, and he thanks each of the Mayors who appointed him into the City Clerk position. He commends the current Council, and stated that all of the members work very well together. He may not have been the best for the job, but he gave the job everything that he had.

FINANCE / BILLS

By Alderman Andreano, Seconded by Alderman George

The Auditor has processed bills and claims against the City of Olean as per list submitted to each Alderman and recommends payment thereof.

WHEREAS, the Auditor has presented to the Common Council, bills and claims against the City of Olean totaling \$3,255,212.51 for the budget and recommends payment thereof.

NOW, THEREFORE, BE IT RESOLVED, that the same be and are hereby audited and allowed, and the Auditor is hereby authorized and directed to draw warrants for the payment thereof at the amounts set opposite each respective claim.

ROLL CALL, AYES ALL. MOTION CARRIED.

RESOLUTIONS

A motion to suspend the rules was made by Alderman Gonzalez, seconded by Alderman Dougherty. Voice vote, ayes all. Motion carried.

A motion to amend the agenda to include Resolution #99-17 was made by Alderman Gonzalez, seconded by Alderman Andreano. Voice vote, ayes all. Motion carried.

LOCAL LAW #01-2017

PL#97-17

By Alderman Dougherty, Seconded by Alderman Crawford

A LOCAL LAW PROHIBITING THE OCCUPANCY OF AN EXISTING STRUCTURE AFTER A CHANGE OR OWNERSHIP OR CHANGE OF OCCUPANCY CLASSIFICATION UNTIL A CERTIFICATE OF OCCUPANCY HAS BEEN ISSUED BY THE CITY OF OLEAN DEPARTMENT OF BUILDINGS AND CODE ENFORCEMENT

BE IT ENACTED by the Common Council of the City of Olean, New York, as follows:

Certificate of Occupancy Requirement

No existing structure shall be occupied after a change of ownership, or change of occupancy classification until a certificate of occupancy has been issued by the City of Olean Department of Buildings and Code Enforcement. The City of Olean Department of Buildings and Code Enforcement shall issue a certificate of occupancy provided there are not violations of law or orders of the City of Olean Code of Ordinances pending, and it is established after inspection and investigation that the building or structure complies with all of the applicable requirements of the City of Olean Code of Ordinances and other applicable New York State codes, laws, regulations and ordinances.

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ROLL CALL, AYES ALL. MOTION CARRIED.

RESOLUTION #97-17

PL #96-17

By Alderman Dougherty, Seconded by Alderman Smith

TO AUTHORIZE THE SALE OF 1202 WEST SULLIVAN STREET TO A PRIVATE ENTITY

WHEREAS, on October 25, 2016 the Common Council enacted Local Law #01-2016, adopting a policy for the sale or franchise of City-owned property; and

WHEREAS, said Local Law authorizes the Common Council to authorize a private sale of City-owned property not needed for public or municipal purposes, if said sale is in the best interests of the City; and

WHEREAS, Brian M. Rodman, a city resident and owner of ("Resident") at 1206 W. Sullivan St., has submitted to the Common Council a purchase offer for City owned property ("City Property") located 1202 West Sullivan Street, and

WHEREAS, the City Property is located immediately adjacent to the property of the resident and said purchase offer requires the resident to demolish and grade the City Property within 10 months of conveyance to the resident by the City, and

NOW, THEREFORE, BE IT RESOLVED, THAT the Common Council declares that the City Property identified as 1202 W. Sullivan, St. (s/b/l: 94.056-3-45) as property that is no longer needed for public or municipal purposes; and,

BE IT FURTHER RESOLVED, THAT the Common Council determines that the sale of the property to the Brian M. Rodman, with the condition that the property be demolished and graded within 10 months of conveyance is in the best interests of the City, and

BE IT FURTHER RESOLVED, THAT the City will sell and convey its rights, title and interest in and to the real property identified as 1202 W. Sullivan, St. (s/b/l: 94.056-3-45) to Brian M. Rodman for \$1.00 and the costs of the conveyance, and

RESOLVED, THAT the deed conveying title to the property shall contain the following restrictive and reversionary language which are intended to run with the land. ;

- 1. Failure of the Grantee to demolish and grade the property on or before November 28, 2018 without a duly resolved extension of time authorized by the City, shall cause the property to revert back to the Grantor.*
- 2. No Structures of any type may be erected on the property without a duly authorized resolution of the Common Council.*

RESOLVED, that the deed shall not be executed and delivered to the Grantee until the time period specified in Local Law 01-2016, for the filing of a petition demanding a public referendum on the proposed sale, has expired.

RESOLVED, that this Resolution is effective immediately.

ROLL CALL, AYES ALL. MOTION CARRIED.

RESOLUTION #98-17

PL #98-17

By Alderman Witte, Seconded by Alderman George

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TO AUTHORIZE THE MAYOR TO ENTER INTO AN AGREEMENT WITH LaBella Associates, D.P.C. TO PROVIDE SAMPLING AND ANALYSIS OF GROUNDWATER AND SURFACE WATER SAMPLES FOR THE ISCHUA LANDFILL FOR THE PERIOD 2018 THROUGH 2020 FOR A COST NOT TO EXCEED \$68,100

WHEREAS, the New York State Department of Environmental Conservation mandates that the City of Olean monitor groundwater and surface water quality at the Ischua Landfill at the Olean Airport; and

WHEREAS, the previous contract with LaBella Associates, D.P.C. (f/k/a KHEOPS Architecture, Engineering & Survey, D.P.C.) expired with the submittal of their Fall 2017 semi-annual reporting resulting from such monitoring; and

WHEREAS, the City has received a proposal to extend the previously executed agreement and extend services from LaBella Associates, D.P.C. to complete sample collection, analysis and reporting for the 6 quarterly monitoring events from 2018 through 2020 for a cost of \$68,100;

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Olean authorizes the Mayor to enter into an agreement with LaBella Associates, D.P.C. to provide sampling, analysis, and reporting of groundwater and surface water samples for the Ischua Landfill at the Olean Airport for the period of 2018 through 2020 for a cost not to exceed \$68,100.

BE IT FURTHER RESOLVED, that this Resolution is effective immediately.

ROLL CALL, AYES ALL. MOTION CARRIED.

A motion to enter into executive session to discuss personnel issues was made by Alderman Gonzalez, seconded by Alderman Smith. Voice vote, ayes all. Motion carried. Executive session began at approximately 6:55 p.m.

A motion to adjourn from executive session was made by Alderman Gonzalez, seconded by Alderman Dougherty. Voice vote, ayes all. Motion carried. Executive session adjourned at approximately 7:20 p.m.

RESOLUTION #99-17

PL #NONE

By Alderman Crawford, Seconded by Alderman Dougherty

RESOLUTION CONFIRMING THE MAYORAL APPOINTMENT OF LENS M MARTIAL AS CITY CLERK

RESOLVED, that Lens M. Martial shall serve as City Clerk.

IT IS FURTHER RESOLVED, that this Resolution will be effective January 2, 2018.

ROLL CALL, AYES ALL. MOTION CARRIED.

ADJOURNMENT

Motion to adjourn was made by Alderman Gonzalez, seconded by Alderman Witte. Voice vote, ayes all. Motion carried. Meeting adjourned at approximately 7:25 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