

Journal of Proceedings

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

December 8, 2017

COMMON COUNCIL CHAMBERS

COUNTY OF CATTARAUGUS

STATE OF NEW YORK

A Special Meeting of the Olean Common Council of the City of Olean was held on Friday, December 8, 2017 at 5:00 p.m.

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

ABSENT: None

OFFICIALS: Mayor William Aiello; Nicholas DiCerbo, Jr., City Attorney, and Tiffany Taylor, Managerial Confidential Administrative Secretary

RESOLUTIONS

Alderman Gonzalez stated that he and Alderman George are involved in Leadership Cattaraugus, and their yearlong classes and monthly seminars end Tuesday with a graduation ceremony. He wanted to discuss the thoughts of the Aldermen. He will skip the graduation altogether; however, if there is a way to move the meeting, he feels that it is worth consideration. The Resolution being voted on Tuesday has been in the works for quite some time and he feels that it is important that all of the Aldermen are there to vote on it.

Alderman Crawford stated that the ceremony starts with a reception at 5:00 p.m., with dinner at 6:00 p.m. Joe Giglio will be speaking at 7:00 p.m., and the graduation presentation begins immediately thereafter.

Alderman Gonzalez stated that there are a lot of variables. If we vote to move the meeting to 5:30 p.m., there could be ten, fifteen, twenty five public speakers and the meeting wouldn't be over in time for the graduation.

Alderman Smith questioned if the Council is able to change the time of the meeting. Mr. DiCerbo stated that he is not even sure that we can hold this meeting. According to the Code, we are required to give twenty four hours notice of a meeting. New York State's Open Meetings Law only requires "notice as soon as reasonably practical". He doesn't think that we can vote to move the meeting today, as the Code states that a meeting can only be changed by a vote at the previous regular meeting, which has already passed. We do have the option to start the meeting, and move to adjourn the meeting to a time later in the evening.

Alderman Crawford stated that he understands the logic that Aldermen Gonzalez and Crawford want to be present, but there is a quorum. He questioned if the Resolution could be postponed to the meeting two weeks later, and Mr. DiCerbo responded that it could, or the Aldermen could call a special meeting.

Alderman Gonzalez stated that he wants to proceed as scheduled, and he will skip Leadership Cattaraugus. The Council has worked on this legislation for a long time, and there is a lot more at stake at this meeting, voting on the Resolution, than there is with Leadership Cattaraugus. He stated that it is still possible that the Council will be done

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by 7:00 p.m. and he will be able to attend for the speaker and graduation. The variable that we cannot predict is the amount of public comment.

Mr. DiCerbo added that he doesn't want this legislation to be thrown out because of a procedural technicality. Alderman Crawford questioned why we don't just postpone the vote. Alderman Gonzalez stated that he just wants to get this voted on and done. He doesn't want to see this put off any longer.

Alderman George stated that it makes the most sense to proceed the way we normally do. Mr. DiCerbo added that there is a 6:00 p.m. presentation from Buffamante, Whipple and Buttafaro, but he will ensure that Mr. DiTanna, their representative, will be done by 6:30 p.m.

A motion to withdraw Resolution #96-17 was made by Alderman Gonzalez, seconded by Alderman George. Voice vote, ayes all. Motion carried.

EXECUTIVE SESSION

A motion to enter into executive session to discuss pending litigation was made by Alderman Gonzalez, seconded by Alderman Smith. Voice vote, ayes all. Motion carried. Executive session entered into at approximately 5:15 p.m.

A motion to adjourn from executive session was made by Alderman Gonzalez, seconded by Alderman Andreano. Voice vote, ayes all. Motion carried. Executive session adjourned at approximately 6:20 p.m.

ADJOURNMENT

Motion to adjourn was made by Alderman Dougherty, seconded by Alderman George. Voice vote, ayes all. Motion carried. Meeting adjourned at approximately 6:20 p.m.

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.

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Alexander Utecht, City Clerk