

Journal of Proceedings

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

October 8, 2019

***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, October 8, 2019 at 6:45 p.m.

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

ABSENT: *None*

OFFICIALS: *Mayor William Aiello; Lens Martial, City Clerk; Nicholas DiCerbo, Jr., City Attorney; 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 Alderman Andreano, 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 September 24, 2019 meeting was made by Alderman Crawford, seconded by Alderman George. Voice vote, ayes all. Motion carried.

COMMITTEE REPORTS & UNFINISHED COUNCIL BUSINESS

None

COMMUNICATIONS FROM THE MAYOR

Special Proclamation for National Breast Cancer Awareness Month

Special Proclamation for Manufacturing Day 2019

MISCELLANEOUS COMMUNICATIONS

None

CITY OFFICIAL REPORTS

Monthly Report of the City Auditor – month ended September 2019

PROPOSED LEGISLATION AND REFERRALS

PL #75-19: (Andreano) To amend the City of Olean Code of Ordinances Chapter 14 to include Section 14-4, Tobacco- and Nicotine-free Policy for City of Olean Recreational Facilities. Referred to Public Safety Committee by Council President.

PL #76-19: (Aiello) To confirm the Mayoral reappointment of Gregg Piechota as City Assessor for the term October 1, 2019 through September 30, 2025. Referred to Regular Meeting Tuesday, October 8, 2019 for Resolution by Council President.

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PL #77-19: (Dougherty) To amend the City of Olean Code of Ordinances Chapter 26, Article III, Division 5, to remove taxicab rate restrictions. Referred to City Operations Committee by Council President.

PUBLIC COMMENT/INPUT

Paul Sungenis of 309 North 5th Street explained that the City should have a long term plan to ensure that a ransomware attack does not cause a serious issues in the future for the City.

Kevin Bartholomew of 737 Bishop Street explained that he does not think that vaping should be put in the same category as smoking. He also questioned increased traffic off of Queen Street, and Alderman Witte responded that it is a private individual who is developing a parcel of land in the Town of Olean. Mayor Aiello added that they are looking to sell off parcels for development.

George Lapennas of 653 Garden Avenue explained that there are several unsafe trees on Garden Avenue where he lives. He explained that the parking space widths at the library and the adjacent parking lot are not the proper width according to code, and noted that he does not understand why the Code section stating that poplar trees are a nuisance isn't being rescinded.

FINANCE / BILLS

None

RESOLUTIONS

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

A motion to amend the agenda to include Resolution #79-19 was made by Alderman Crawford, seconded by Alderman Andreano. Voice vote, ayes all. Motion carried.

RESOLUTION #76-19

PL #72-19

By Alderman Smith, Seconded by Alderman Dougherty

TO AMEND THE CITY OF OLEAN CODE OF ORDINANCES SECTION 21-62, TREE REMOVAL – REQUIRED BY PROPERTY OWNERS

RESOLVED, that the City of Olean Code of Ordinances is hereby amended as follows:

Sec. 21-62 Tree Removal – Required of property owners.

If any person owning property in the City abutting upon any street and upon which there is a tree which has been deemed by the Tree Board and/or City Forester to be dangerous to, obstructing, or interfering with public travel or pedestrians, shall have thirty (30) days to have the tree removed by an insured contractor.

The City of Olean will provide a rebate of one half (1/2) of the cost of such removal by the contractor of the property owner's choice OR the City's tree removal contractor, whichever is less, to the property owner upon completion, subject to the following provisions:

- Eligible tree removal projects for the rebate are those which have been deemed by the Tree Board and/or the City Forester to be dangerous to, obstructing, or interfering with public travel or pedestrians. Trees removed for aesthetic purposes or at the will of the property owner will be ineligible for this rebate.

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- An application (available in the Department of Public Works) must be completed and submitted to the Department of Public Works by the property owner.
- DPW inspection and designation of removal requirement by the Tree Board is required prior to the commencement of the project in order for the project to be eligible for the rebate.
- A permit will be required for the removal of the tree, and all work must be done by a licensed contractor in accordance with City of Olean specifications.
- A post-removal inspection will be performed prior to the release of funding.

Any tree that has not been properly removed or maintained within 30 days of notification by the Department of Public Works shall be subject to removal by the City of Olean. In such cases where the property owner fails to remove or maintain said tree, or fails to apply for or comply with the procedures of the rebate program, the City’s actual cost of removing or maintaining said tree shall become a lien on the premises.

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

RESOLUTION #77-19
PL #73-19

By Alderman Gonzalez, Seconded by Alderman Witte

TO AMEND THE CITY OF OLEAN CODE OF ORDINANCES SECTION 24-155 TO PROHIBIT PARKING ON THE NORTH SIDE OF SOUTH STREET FOR A PERIOD OF TIME LONGER THAN TWO HOURS BETWEEN THE HOURS OF 8:00 A.M. AND 5:00 P.M. MONDAY THROUGH FRIDAY

RESOLVED, that the City of Olean Code of Ordinances Section 24-155 is hereby amended to include the following:

Street	Side	Extent
South Street	North	For its entire length, except in parking spaces designated “City of Olean – Reserved”

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

RESOLUTION #78-19
PL #74-19

By Alderman Dougherty, Seconded by Alderman Witte

TO AMEND THE CITY OF OLEAN CODE OF ORDINANCES SECTION 24-135 TO PROHIBIT PARKING ON THE EAST SIDE OF NORTH BARRY STREET FOR A DISTANCE OF 20 FEET FROM THE SOUTH CURBLINE OF TOMPKINS STREET

RESOLVED, that the City of Olean Code of Ordinances Section 24-135 is hereby amended to include the following:

Street	Side	Extent
Barry Street, North	East	20 feet from the south curbline of Tompkins Street

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

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Alderman Aiello explained that when Mr. Piechota took office, he was filling out Ms. Champlin's term. He explained that all Assessors in the State of New York have term renewals every six years.

RESOLUTION #79-19

PL #76-19

By Alderman Gonzalez, Seconded by Alderman Dougherty

TO CONFIRM THE MAYORAL REAPPOINTMENT OF GREGG PIECHOTA AS CITY ASSESSOR FOR THE TERM OCTOBER 1, 2019 THROUGH SEPTEMBER 30, 2025

RESOLVED, that the Common Council of the City of Olean hereby confirms the Mayoral reappointment of Gregg Piechota as City Assessor for the term October 1, 2019 through September 30, 2025.

RESOLVED, that the Common Council hereby authorizes and directs the Mayor to submit this reappointment information to the New York State Department of Taxation and Finance, as required.

RESOLVED, that this Resolution is effective retroactively to October 1, 2019.

ROLL CALL, AYES ALL. MOTION CARRIED.

ADJOURNMENT

Motion to adjourn was made by Alderman Crawford, seconded by Alderman Andreano. Voice vote, ayes all. Motion carried. Meeting adjourned at approximately 7:20 p.m.

Lens Martial, City Clerk

Mayor William J. Aiello

John Crawford, Council President

I hereby approve the foregoing minutes

Dated: ____/____/____

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

I, Lens Martial, 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.

Lens Martial, City Clerk