

Journal of Proceedings

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

October 22, 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 22, 2019 at 6:55 p.m.

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

ABSENT: *None*

OFFICIALS: *Lens Martial, City Clerk; Nicholas DiCerbo, Jr., City Attorney; Fred Saradin, City Auditor; Keri Stephen, Community Development Program Coordinator; Bob Ring, Director of Public Works; 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 October 8, 2019 meeting was made by Alderman Crawford, seconded by Alderman Andreano. Voice vote, ayes all. Motion carried.

COMMITTEE REPORTS & UNFINISHED COUNCIL BUSINESS

Report from Public Safety Committee on PL #75-19, 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. Committee recommends approval. Referred to City Attorney for Resolution.

Report from Committee of the Whole on PL #78-19, to authorize the Mayor to sign and submit an application to the New York State Department of Environmental Conservation under the Urban and Community Forestry Grants Program Round 15 in connection with the City of Olean Tree Inventory and Community Forestry Management Plan Project. Committee recommends approval. Referred to City Attorney for Resolution.

Report from Committee of the Whole on PL #79-19, to approve the following Downtown Property Improvement Program (DPIP) application for financial assistance as recommended by the Revolving Loan Fund Committee: DPIP #70-03, in an amount not to exceed \$22,000. Committee recommends approval. Referred to City Attorney for Resolution.

Report from Committee of the Whole on PL #80-19, to authorize the execution of a Host Community Agreement between the City of Olean and CDS Monarch, Inc. for the properties located at 422 East State Street and 115 Fulton Street. Committee recommends approval. Referred to City Attorney for Resolution.

COMMUNICATIONS FROM THE MAYOR

None

MISCELLANEOUS COMMUNICATIONS

None

Journal of Proceedings

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

October 22, 2019

CITY OFFICIAL REPORTS

None\

PROPOSED LEGISLATION AND REFERRALS

PL #78-19: (Aiello) To authorize the Mayor to sign and submit an application to the New York State Department of Environmental Conservation under the Urban and Community Forestry Grants Program Round 15 in connection with the City of Olean Tree Inventory and Community Forestry Management Plan Project. Referred to Committee of the Whole Tuesday, October 22, 2019 by Council President.

PL #79-19: (Aiello) To approve the following Downton Olean Property Improvements Program (DPIP) application for financial assistance as recommended by the Revolving Loan Fund Committee: DPIP #70-03, in an amount not to exceed \$22,000. Referred to Committee of the Whole Tuesday, October 22, 2019 by Council President.

PL #80-19: (Aiello) To authorize the execution of a Host Community Agreement between the City of Olean and CDS Monarch, Inc. for the properties located at 422 East State Street and 115 Fulton Street. Referred to Committee of the Whole Tuesday, October 22, 2019 by Council President.

PL #81-19: (Aiello) To authorize a one year medical leave of absence for employee number 135008. Referred to Regular Meeting Tuesday, October 22, 2019 for Resolution by Council President.

PUBLIC COMMENT/INPUT

Linda Witte explained that several days ago, an article was ran in the Olean Times Herald regarding outstanding water bills. She explained that there is just under a half million dollars outstanding in water bills, and the City needs to look into doing something differently, especially with landlords who have many past due water bills.

Alderman Dougherty explained that since the Council voted down a housing development at the beginning of the year, the individuals who owned the property have donated the land to the Pilgrim Baptist Church of Buffalo who plan on putting a day camp on the property, which will be a great thing for the community.

Tracy Huselstein of 507 Queen Street explained that she was called “just some fat lesbian” by a Council member. She explained that she is running in Ward 2 and discrimination from people in power is not acceptable. She feels that this is beyond politics, and is a human and community issue. She mentioned that another candidate has also been targeted, and that hate crimes should not go unpunished and uninvestigated.

Diane Trippany of 132 North 8th Street explained that this is the first time that she has been ashamed of Olean. She explained that this is the first time she has heard comments like this being made in the Municipal Building, and that there are death threats being made in the political race. She explained that not much has been done after this was reported to the Police Department and Olean Times Herald. She explained that the comments that she has heard are demeaning, bullying and hurtful, and some are meant to intimidate and promote violence. She wants to hear that City leaders will step up and say that these actions are unacceptable and will not be tolerated.

Sarah deVries-Jordan of 118 North 10th Street explained that political homophobia used to generate votes in an election legitimizes the language and affects the

Journal of Proceedings

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

October 22, 2019

community. She explained that the people chosen for office are there to represent everyone and to provide unity and bring the community together. She explained that the community should be inclusive of all constituents and all opponents, and that democracy counts on respect. She was outraged to hear about what was going on and does not want to see LGBTQ gains go in the wrong direction.

Gina Marra of Kingston Drive explained that she is an ally to the LGBTQ community, and it is unfortunate that some people cannot see more than themselves. She explained that this happened to people that she does not even know, but that does not matter. She explained that in the end, we all need to be good human beings. She explained that it is the Council's job to protect its constituents, and that no one should be afraid to be "out". She asks what we are teaching our children.

Kevin Bartholomew of 737 Bishop Street explained that it's not who you love, it's how you love. He said that this is not right in any way, shape or form, and that this should not be going on.

Pat Sugenis of 309 North 5th Street explained that he came out of the closet in 1992 when he was 22 years old, and at that time he could only meet a support group in secret and he had to get the meeting time and place from a counselor. He has lost his job because his boss discovered he was gay, but whatever was lost, he came out on top because he met his husband and will celebrate his 27th anniversary next month. He explained that by running and presenting himself as who he is, he has lost votes. He can live with losing the election because he was his true self and didn't lie to voters, but he will not hide himself for votes.

Michael Witte of 653 Main Street explained that he came "out" at 17, and since then, Olean really hasn't made him feel uncomfortable. He has not seen active discrimination, more silent acceptance, until now. He knows that we can't control political speech or opinions, but we can respond how we feel. He wants to know how the Council is responding. He explained that these tactics and words should not be accepted.

Della Moore of 108 South 8th Street explained that people will be crabs for their own gain and pull people down that are going up. She asked that people not believe the hype, or to let those playing the games to win. She doesn't know if racism and homophobia will end in her lifetime, but she begs that (the audience of the meeting) not play the game and allow themselves to be used as pawns.

Alderman Witte explained that, as a member of the Council, this is the first time she's seen such downright nastiness. Olean is better than this, and as an elected official, it is up to her and the other Aldermen to set a higher example.

Alderman Crawford explained that running for office is hard enough in itself, and some back and forth and mudslinging is to be expected. However, in 2019 everyone should know what the line is, and Olean is better than crossing that line. He asked people to have compassion.

Alderman Dougherty explained that he hopes that campaigning ends on a happy note, and that he has compassion for the speakers and those affected by the recent hate speech and actions, as his mother is of the LGBTQ community in Connecticut married to another woman.

FINANCE / BILLS

By Alderman Crawford, Seconded by Alderman Witte

The Auditor has processed bills and claims against the City of Olean as per list

Journal of Proceedings

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

October 22, 2019

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 \$964,916.99 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

RESOLUTION #81-19

PL #78-19

By Alderman Witte, Seconded by Alderman George

TO AUTHORIZE THE MAYOR TO SIGN AND SUBMIT AN APPLICATION TO THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION FOR A REIMBURSEMENT PROJECT GRANT UNDER THE URBAN AND COMMUNITY FORESTRY PROGRAM ROUND 15 IN CONNECTION WITH THE CITY OF OLEAN TREE INVENTORY AND COMMUNITY FOREST MANAGEMENT PLAN PROJECT

WHEREAS, the New York State Department of Environmental Conservation (NYSDEC) has announced the availability of funding under the Environmental Protection Fund for tree inventory projects and community forest management plans; and

WHEREAS, communities with a population of less than 65,000 residents may apply for up to \$50,000 in grant funds under the Agency's "Small Community Grants" program; and

WHEREAS, a requirement of the Urban and Community Forestry Program Round 15, the applicant must obtain the "approval/endorsement of the governing body of the municipality in which the project will be located"; and

WHEREAS, the City of Olean is desirous of applying for funding to conduct a comprehensive Geographic Information System based inventory of the territorial jurisdiction of the City of Olean's maintained trees, planting sites and stumps located along public rights-of-way, public parks and City owned facilities detailing age, species, health, geographic distribution of our urban forest, etc.; and

WHEREAS, an Urban Forest Management Plan will be created by certified arborists and/or forester professionals so we may sustainably, holistically and efficiently manage our urban forest;

NOW, THEREFORE, BE IT RESOLVED, that the Common Council authorizes the Mayor to sign and submit said application and sign any contracts or agreements between the City of Olean and NYSDEC necessary to secure \$50,000 in funding for a reimbursement based grant for the above-referenced project.

RESOLVED, that this Resolution is effective immediately.

ROLL CALL, AYES ALL. MOTION CARRIED.

RESOLUTION #82-19

PL #79-19

By Alderman Andreano, Seconded by Alderman Dougherty

Journal of Proceedings

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

October 22, 2019

RESOLUTION APPROVING A DOWNTOWN PROPERTY IMPROVEMENT PROGRAM LOAN TO A LOCAL BUSINESSES

WHEREAS, the City of Olean has designed a Downtown Property Improvement Program (DPIP) that provides financial incentives for commercial property owners and businesses to rehabilitate their buildings, reduce downtown commercial vacancy rates, create employment opportunities, and preserve and expand the tax base of the City of Olean, and

WHEREAS, assistance to property owners and businesses will be in the form of low interest loans/grants for commercial/business improvement projects, and

WHEREAS, the Olean Revolving Loan Fund committee has reviewed an application for assistance and has recommended approval of;

DPIP #70-03, not to exceed \$22,000;

BE IT RESOLVED, that the Olean Common Council has approved said application for assistance under the Downtown Property Improvement Program.

IT IS FURTHER RESOLVED, that this Resolution will be effective immediately.

ROLL CALL, AYES ALL. MOTION CARRIED.

RESOLUTION #83-19

PL #80-19

By Alderman Dougherty, Seconded by Alderman Gonzalez

TO AUTHORIZE THE EXECUTION OF A HOST COMMUNITY AGREEMENT BETWEEN THE CITY OF OLEAN AND CDS MONARCH, INC. FOR THE PROPERTIES LOCATED AT 422 EAST STATE STREET AND 115 FULTON STREET

WHEREAS, CDS Monarch, Inc. is a not-for-profit corporation formed under the laws of the State of New York is an agent for and on behalf of a to be formed not-for-profit housing development fund corporation to be formed under Article XI of the New York Private Housing Finance Law (the "HDFC"); and

WHEREAS, the HDFC is to be the legal title owner (the "Owner") of certain parcels of real property within the City of Olean described as follows: 422 East State Street, Olean, s/b/l 94.065-6-7, and 115 Fulton Street, s/b/l 94.065-6-24; and

WHEREAS, the subject properties shall receive tax-exempt status as the owner is a not-for-profit corporation; and

WHEREAS, the Owner recognizes that the City provides services which benefit the owner, and the Owner desires to compensate the City for such services; and

WHEREAS, the Owner has agreed to pay directly to the City a Host Community Fee annually in an amount equal to the City's real property tax that would have been payable if the Subject Property were not tax-exempt for so long as the Owner owns or controls the subject properties and otherwise during the term of a Host Community Agreement (for a period not to exceed forty years);

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Olean authorizes the Mayor to execute a Host Community Agreement between the City of Olean and CDS Monarch, Inc. for the properties located at 422 East State Street and 115 Fulton Street.

RESOLVED, that this Resolution is effective immediately.

Journal of Proceedings

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

October 22, 2019

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

A motion to enter into executive session to discuss personnel matters was made by Alderman Crawford, seconded by Alderman Gonzalez. Voice vote, ayes all. Motion carried. Executive session began at approximately 7:35 p.m.

A motion to adjourn from executive session was made by Alderman Crawford, seconded by Alderman Andreano. Voice vote, ayes all. Motion carried. Executive session adjourned at approximately 7:45 p.m.

RESOLUTION #84-19

PL #81-19

By Alderman Witte, Seconded by Alderman Crawford

**TO AUTHORIZE A ONE YEAR MEDICAL LEAVE OF ABSENCE FOR EMPLOYEE NUMBER
135008**

RESOLVED, that upon review of the request received, the Common Council of the City of Olean authorizes a one year medical leave of absence for employee number 135008.

RESOLVED, that this Resolution is effective immediately.

ROLL CALL, AYES ALL. MOTION CARRIED.

ADJOURNMENT

Motion to adjourn was made by Alderman Crawford, seconded by Alderman Smith. Voice vote, ayes all. Motion carried. Meeting adjourned at approximately 7:50 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