

# **Journal of Proceedings**

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

November 12, 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, November 12, 2019 at 6:40 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; Fred Saradin, City Auditor; Keri Stephen, Community Development Program Coordinator; 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 October 22, 2019 meeting was made by Alderman Crawford, seconded by Alderman George. Voice vote, ayes all. Motion carried.*

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

*Report from City Operations on PL #77-19, to amend the City of Olean Code of Ordinances Chapter 26, Article III, Division 5, to remove taxicab rate restrictions. Committee recommends approval. Referred to City Attorney for Resolution.*

*Report from Committee of the Whole on PL # 83-18, to authorize the Mayor to sign and submit an application to the Cattaraugus County Department of Public Works for funding associated with the City of Olean ADA Canoe and Kayak Launch on East River Road Project. Committee recommends approval. Referred to City Attorney for Resolution.*

*Report from Committee of the Whole on PL #84-19, to authorize the transfer of \$15,000 from line item 7110.445 and \$5,515.09 from line item 7110.447 to Capital Fund #187, Parks Reserve, for costs associated with the DPW contribution to the King Street Park Project. Committee recommends approval. Referred to City Attorney for Resolution.*

***COMMUNICATIONS FROM THE MAYOR***

*Special Proclamation to recognize Jeff Prescott*

*Certificate of Recognition for Shane Thurst*

***MISCELLANEOUS COMMUNICATIONS***

*Application for a Liquor License – Village Green Pub, LLC – 311 North Union Street, Olean*

***CITY OFFICIAL REPORTS***

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*Monthly Report of the City Auditor – month ended October 2019*

## **PROPOSED LEGISLATION AND REFERRALS**

*PL #82-19: (Aiello) To authorize the Mayor to enter into an agreement between the Unified Court System and the City of Olean for Court Cleaning and Minor Repairs. Referred to Regular Meeting Tuesday, November 12, 2019 for Resolution by Council President.*

*PL \$83-19: (Aiello) To authorize the Mayor to sign and submit an application to the Cattaraugus County Department of Public Works for funding associated with the City of Olean ADA Canoe and Kayak Launch on East River Road Project. Referred to Committee of the Whole Tuesday, November 12, 2019 by Council President.*

*PL #84-19: (Aiello) To authorize the transfer of \$15,000 from line item 7110.445 and \$5,515.09 from line item 7110.447 to Capital Fund #187, Parks Reserve, for costs associated with the DPW contribution to the King Street Park Project. Referred to Committee of the Whole Tuesday, November 12, 2019 by Council President.*

## **PUBLIC COMMENT/INPUT**

*None*

## **FINANCE / BILLS**

*None*

## **RESOLUTIONS**

*Jonathan Chaffee, the Olean School Reality Check Coordinator, read a statement from a student who graduated last year, who would visit smoke free parks to spend time with her father without cigarettes around. A student in the program noted that tobacco litter is the number one type of litter in the country, and that smoking should be banned in parks to help prevent young people from picking up the habit.*

### **RESOLUTION #80-19**

### **PL #75-19**

*By Alderman Andreano, Seconded by Alderman Crawford*

### ***TO ENACT A TOBACCO- AND NICOTINE-FREE POLICY FOR CITY OF OLEAN RECREATIONAL FACILITIES***

***WHEREAS***, the City believes that tobacco and nicotine use in the proximity of children and adults engaging in or watching recreational activities at City-owned or operated facilities is detrimental to their health and can be offensive to those using such facilities; and

***WHEREAS***, the City has a unique opportunity to create and sustain an environment that supports a non-tobacco and non-nicotine norm through a tobacco- and nicotine-free policy, rule enforcement, and adult-peer role modeling at City-owned recreational facilities; and

***WHEREAS***, the City believes parents, leaders and officials involved in recreation are role models for youth and can have a positive effect on the lifestyle choices they make; and

***WHEREAS***, the tobacco and nicotine industries advertise at and sponsor recreational events to foster a connection between tobacco and nicotine use and recreation; and

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**WHEREAS**, cigarettes, once consumed in public spaces, are often discarded on the ground requiring additional maintenance expenses, diminish the beauty of the City's recreational facilities, and pose a risk to toddlers due to ingestions; and

**WHEREAS**, the City of Olean Common Council determines that the prohibition of tobacco and nicotine use at the City's recreational facilities serves to protect the health, safety and welfare of the citizens of our City;

**NOW, THEREFORE, BE IT RESOLVED**, that the City of Olean Code of Ordinances Chapter 14 is hereby amended to include the following:

## *Chapter 14. Miscellaneous Offenses and Provisions*

*Sec. 14-4 No tobacco or nicotine use, or use of vapor devices in City-owned recreational facilities*

- (a) No person shall smoke and/or utilize tobacco or nicotine products or vapor devices within the City of Olean Park System or recreational facilities. This prohibition against the use of tobacco and nicotine products includes but is not limited to sporting fields, playgrounds, pools, courts, parks, pavilions and walking trails.*
- (b) For purposes of this section, utilization of tobacco or nicotine products shall mean to burn a lighted cigar, cigarette or pipe, and/or to use any other substance which contains tobacco or nicotine and also includes electronic cigarettes, vapor devices and chewing tobacco.*
- (c) The use of tobacco is allowed within a vehicle in the parking lot of the recreational facility.*
- (d) Appropriate signage shall be posted designating tobacco- and nicotine-free zones; however, the presence or absence of signs shall not be a defense to a violation of this Section.*
- (e) The community, especially facility users and staff, will be notified about this policy. Staff will make periodic observation of recreational facilities to monitor for compliance.*
- (f) Violations of the provisions of this Section shall be punishable of a fine of \$200, which shall not be suspended, waived, or otherwise reduced below this amount. In addition, any person found violating this policy may be subject to immediate ejection from the recreation facility for the remainder of the event.*

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

ROLL CALL, AYES ALL EXCEPT ALDERMAN DOUGHERTY, WHO VOTED NAY.  
MOTION CARRIED.

RESOLUTION #85-19

PL #82-19

By Alderman Witte, Seconded by Alderman Crawford

## **TO AUTHORIZE THE MAYOR TO ENTER INTO AN AGREEMENT BETWEEN THE UNIFIED COURT SYSTEM AND THE CITY OF OLEAN FOR COURT CLEANING AND MINOR REPAIRS**

**WHEREAS**, the City of Olean pursuant to Section I of the existing contract between the City of Olean and the Unified Court System a renewal period may be established in the five-year term of the agreement; and

**WHEREAS**, a proposed renewal period shall commence retroactively to April 1, 2019 and shall terminate on March 31, 2020, during which all terms and conditions of the above-referenced contract shall continue to apply, except as specified below; and

**WHEREAS**, the proposed budget for services to be rendered pursuant to the contract in the 2019-2020 period shall be \$80,072, the maximum payment of which is 100% of that amount; and

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***WHEREAS**, the City of Olean desires to continue providing court cleaning and minor repair services to the New York State Unified Court System in exchange for payment;*

***BE IT RESOLVED**, that the Common Council of the City of Olean hereby authorizes the Mayor to enter into an agreement between the Unified Court System and the City of Olean for Court Cleaning and Minor Repairs.*

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

*RESOLUTION #87-19*  
*PL #83-19*

*By Alderman Gonzalez, Seconded by Alderman Smith*

***TO AUTHORIZE THE MAYOR TO SIGN AND SUBMIT AN APPLICATION TO THE  
CATTARAUGUS COUNTY DEPARTMENT OF PUBLIC WORKS FOR FUNDING ASSOCIATED  
WITH THE CITY OF OLEAN ADA CANOE AND KAYAK LAUNCH ON EAST RIVER ROAD  
PROJECT***

***WHEREAS**, the City of Olean would like to provide residents with an ADA compliant canoe and kayak launch along the Allegheny River on City-owned land along East River Road that is accessible to the river; and*

***WHEREAS**, the total cost of the project is \$93,500, and includes the installation of the canoe and kayak launch as well as site work to provide ADA access to the boat launch; and*

***WHEREAS**, the Cattaraugus County Department of Public Works has provided a funding opportunity to aid in the cost of the Project; and*

***WHEREAS**, after a municipal in-kind contribution of \$9,000 and a City contribution of \$4,500, the City is requesting \$80,000 from Cattaraugus County;*

***BE IT RESOLVED**, that the Common Council of the City of Olean hereby authorizes the Mayor to sign and submit an application to the Cattaraugus County Department of Public Works for funding associated with the City of Olean ADA Canoe and Kayak Launch on East River Road Project.*

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

*RESOLUTION #88-19*  
*PL #84-19*

*By Alderman Andreano, Seconded by Alderman Gonzalez*

***TO AUTHORIZE THE TRANSFER OF FUNDS FOR COSTS ASSOCIATED WITH THE DPW  
CONTRIBUTION TO THE KING STREET PARK PROJECT***

*RESOLVED, that the following transfers be authorized:*

<i>Account #</i>	<i>Description- General</i>	<i>Amount Transferred</i>	<i>Transferred to</i>
<i>A-01-5-7110.445</i>	<i>Parks - Building Repairs</i>	<i>\$15,000</i>	<i>CF#187</i>
<i>A-01-5-7110.447</i>	<i>Parks - Misc. Fees for Service</i>	<i>\$5,515.09</i>	<i>CF#187</i>

*RESOLVED, that this Resolution is effective immediately.*

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*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 7:00 p.m.*

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*Lens Martial, City Clerk*

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*Mayor William J. Aiello*

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*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.*

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*Lens Martial, City Clerk*