

## PUBLIC SAFETY

Tuesday, October 1, 2019 – 5:30 p.m.

Police Training Room – Olean Municipal Building

Present: Members: Chairman Andreano, Vice Chairman Gonzalez, Alderman Witte, Alderman Dougherty, Alderman Crawford, and Alderman George. Others: Mayor William Aiello; Nicholas DiCerbo, Jr., City Attorney; Fred Saradin, City Auditor; Bob Ring, Director of Public Works; Bob Bell, Fire Chief; Jeff Rowley, Police Chief, and Tiffany Taylor, Managerial Confidential Administrative Secretary.

### 1. Roll Call

Alderman Andreano called the meeting to order at 5:30 p.m. and asked that the record show that all committee members were present except Alderman Smith, who was excused.

### 2. Approval of Minutes of the Previous Committee Meeting (Tuesday, September 17, 2019)

Minutes of the previous meeting were not available for review.

### 3. Unfinished Business

None

### 4. New Referrals for Consideration

#### a. Discussion – Smoking in Parks and Playgrounds

Alderman Andreano explained that she and Alderman Crawford discussed this last week, and that it was previously brought to the Council's attention during a previous committee meeting. She prevented handouts to the Council that included sample legislation for the Council to adopt. Alderman Andreano noted that Reality Check is willing to donate signs to be used in the parks, if the Council adopts the legislation.

Alderman Crawford asked if it is important to differentiate smoking and tobacco use, and Alderman Andreano noted that vaping is nicotine use, not tobacco use. Alderman Gonzalez added that vaping is more addictive because it is easier to conceal. Mayor Aiello explained that at Friday night's Olean High School football game, there were young girls vaping in the bathroom. Alderman Witte explained that vaping is not healthier than smoking and that it can lead to smoking cigarettes.

Alderman Andreano went over the draft legislation and asked whether or not the City should prevent people from using tobacco in their own vehicles while in the parking lot of a City facility. Alderman Crawford explained that other municipalities allow for tobacco use in parking

lots or on sidewalks, but that some do prevent use in a vehicle if it is parking in the lot. He questioned to what extreme this is worth pursuing. Alderman Andreano explained that it is open for discussion.

Alderman Gonzalez explained that if the Council is really serious about enacting this legislation that “tobacco” needs to be changed to “nicotine”, as vaping does not involve tobacco use. Mr. DiCerbo asked how the Council would handle the vaping of CBD products now and other marijuana-derived products if they are legalized down the road. Alderman Crawford asked if that could be covered in the legislation with “vaping devices”, and Alderman George added that he feels that “vaping” would cover most, if not all, of these issues.

Alderman Witte explained that she feels that this is all great, but that she believes that the City will fall short on enforcement. Alderman Gonzalez responded that he feels that a majority of people will follow the rules, and Alderman Crawford added that the few who don’t may be policed by others. Alderman Andreano explained that she recently attended a youth football practice, and there was a lot of finger pointing when it came to tobacco use. She described a man who was smoking, and when someone asked him to stop, he apologized and explained that he didn’t even realize that he was bothering anyone. She noted that in Bradford, it took some time for adjustment to the new legislation, but that it is not requiring as much enforcement as they had anticipated.

Mr. DiCerbo explained that he is leery, and that he wonders how much the City can rely on the enforcement aspect as a deterrent. Chief Rowley explained that the courts have issues collecting fines from drug dealers, and that he could see enforcement being an issue. However, he feels that the community policing will greatly aid with the problem and will prevent most of the issues that have arisen.

Alderman Andreano asked the committee how large of a scope they want to include. Alderman Crawford responded that he does not believe that he is ready to see the elimination on all City-owned property, but that he feels that targeting recreational facilities is a good start. Mayor Aiello disagreed, and explained that he feels that if this is going to be done, that it should be on all City property.

Alderman Andreano explained that she does not want to prohibit people from smoking and vaping in their own vehicles in parking lots, because that could make the City a bad neighbor. She explained that people may then go to adjacent properties to smoke and could dispose of their cigarette butts there, causing issues for neighboring properties of the City’s recreational facilities.

Alderman Dougherty asked what the purpose of the legislation is, and if it is to prevent littering of cigarette butts and vaping cartridges, or keeping children and other residents' lungs safe. He explained that the purpose could affect where the ban should occur.

Alderman Crawford asked how to prevent cigarette butts from being disposed in parks, especially those that have recently experienced a financial improvement. Alderman Andreano added that as playground surfaces are changed to materials such as mulch, fires caused by cigarette butts need to be considered. She noted that the legislation includes language to eject people from locations or events if they are caught not following the rules.

Alderman Crawford explained that he feels that keeping the legislation simple is better. Mayor Aiello noted that he feels that the police will use good discretion. Alderman Crawford added that the ticket versus ejection, or both, should be given at the discretion of the officer given the situation.

A PL will be introduced by Alderman Andreano, and legislation will be drafted for future review.

#### b. IJN Parking

Alderman Andreano explained that she has received emails and photos regarding this issue. Alderman Dougherty explained that this issue came up about a year ago, and that he has spoken with Mr. Ring and Chief Rowley regarding the issue. He explained that a conclusion has not been reached regarding the best solution to the issue. He explained that there are 60 employees in the building, and that neighbors are complaining about the inability to enter and exit their driveways due to the on street parking.

Alderman Witte asked what streets this affects, and Alderman Dougherty responded that this is primarily affecting West Henley Street and South Fourth Street surrounding the former Ivers J. Norton school property. Alderman Andreano explained that BOCES rents space from the church, and this is where the parking issues are stemming from. She introduced Pete Ebert and Rochelle Weitsman from BOCES who have attended the meeting to answer questions for the Council and to help find a solution.

Chief Rowley explained that he spoke with Mr. Ebert, and he was previously unaware that there are around 60 employees in this building. He explained that given the area and lack of off street parking for the employees, the problem will only be moved around and not solved. Mr. Ebert explained that there are two BOCES vans, one handicapped space, a space for the pastor, a space for the School Resource Officer, and two additional spaces in the lot. He explained that there are really no other places to park.

Mr. Ebert explained that there are currently 10 classrooms that are run in the building for students who require an extremely high amount of support, so there are not just teachers in this building. He explained that he has conducted staff meetings and sent out emails and texts to staff and parents asking them to be considerate to the neighborhood when parking in the area. HE explained that he will be handing out business cards to the residents so that they can contact the school directly if there is a parking issue, so that it could potentially be handled quicker than if the City is contacted. He explained that he feels that he has done enough to handle his side of everything. Mr. Ebert explained that the police recently came to him regarding two cars on the street that were parked completely legally. He doesn't know what else he can do, but he does know that they want to be good neighbors.

Chief Rowley explained that the two cars that he is referring to were parked legally, but that they were parked right up to the edge of a driveway so that the resident could not get out.

Alderman Andreano explained that this is a residential neighborhood, and they were not prepared for the influx of staff at the school. Mr. Ebert suggested possibly painting lines to show drivers not to park close to driveways, but that this would not help in the winter months when snow covers the lines.

Mr. Ring mentioned expanding the back parking lot, and Mr. Ebert explained that they rent from the Epic Church, so it would be up to the church to do that, not BOCES.

Alderman Dougherty asked why this didn't go to the Planning Board before there was a change of use. Alderman Andreano noted that a different business had attempted to purchase the building, but did not because of the lack of parking.

Mr. Ring explained that he would like to look at the situation, and noted that the parking is odd in the area. Mr. Ebert explained that he would be happy to meet with Mr. Ring to see what could be done. Mr. DiCerbo noted that he would like to see what happened with the Planning Board when the church purchased the property, and what the legalities are regarding having BOCES run out of the same building and what requirements there are.

## 5. Approval of Committee Reports

None

## 6. Adjournment

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