

COMMITTEE OF THE WHOLE

Tuesday, June 16, 2020– 5:30 p.m.

Council Chambers – Olean Municipal Building

Present: Members: Alderman Gonzalez, Alderman Panus, Alderman Dougherty, Alderman Crawford, and Alderman Anastasia. Others: Mayor William Aiello; Bob Ring, Director of Public Works; Kris Shewairy, Youth and Recreation Division Director; Tim Richardson, Fire Chief, and Tiffany Taylor, Managerial Confidential Administrative Secretary.

1. Roll Call

Alderman Gonzalez called the meeting to order at 5:30 p.m. and asked that the record show that all committee members were present except Aldermen Witte and DaPolito, who were excused.

2. Unfinished Business

None

3. New Referrals for Consideration

a. Discussion – Washington Street Project (Ring)

Mr. Ring explained that it has been a while since he discussed this project with the Council, and it is time for an update and action necessary to move the project forward. He explained that he met with EFC, the funding source for the project, as well as Municipal Solutions who is doing the MWBE administration work.

Mr. Ring explained that in 2018, the City borrowed \$1.35 million for Phase 1 of the project, which involves Washington Street from North 4th Street to North 10th Street, as well as North 4th Street from Sullivan Street to Laurens Street. He explained that the City planned to do this project without grant funding, as we had applied for a grant and did not receive the funding. Mr. Ring explained that we later reapplied, and received a grant for \$900,000 for this project, which the City will receive after spending \$1.5 million. He explained that in order to spend the necessary amount for the full reimbursement, the plan is to extend the project to North 15th Street, which is being called “Phase II”. He noted that each phase requires design review from the Department of Health.

Mr. Ring explained that the City needs to meet Federal requirements for receiving grant money. He explained that with Phase II, the project has grown from \$1.35 million to \$1.9 million. He explained that the City has \$1.35 million in the bank from BAN funding, as well as the \$900,000 grant, which totals essentially \$2.2 million in cash flow for the project. He explained that he is

proposing that the project be expanded to \$1.9 million. He explained that the action that needs to be taken is to pass a bond resolution for that funding amount. He noted that the City doesn't need to borrow the entire amount because of the grant flow, but the resolution would need to be passed as a requirement for the grant. He explained that in addition, since the Council has not approved Phase II yet, when we do get to that point he will ask the Council to award the second phase to the same contractor.

Mr. Ring explained that this is a \$700,000 change order, which is massive compared to the original bid. He explained that the Council needs to be involved in a change order this large. Mr. Ring explained that he believes that it is the best course of action to move the project to Fifteenth Street, and increase the size of the water line from 4 inch to 8 inch. He explained that the project would also involve milling and paving the entire section of roadway.

Alderman Crawford explained that it is exciting to start talking about this, after having discussed it for some time. He asked what the potential risk to the grant funding is from COVID-19, and if we have received word as to whether or not the funding will be there. Mr. Ring responded that it is administered through the State, but that it is Federal infrastructure funding.

Alderman Gonzalez asked if \$900,000 was the City's original commitment, and Mr. Ring responded that it was \$1.3 million. He added that the contractor's bid was \$1.1 million. He explained that in order to receive the grant funding, that the City needs to spend \$1.5 million, and that the funding is a 60/40 split.

Alderman Crawford asked if Phase II is being treated as a separate project. Mr. Ring explained that the City is only committed to spending \$1.5 million to get the grant funding, and if the Council chooses, the project can stop at 13th Street. Alderman Gonzalez explained that there are water pressure and quality issues in the area of the proposed project, and asked if they exist from 13th Street to 15th Street as well. Mr. Ring explained that they do. He explained that this area is littered with red hydrants and that a four inch line goes all the way down to Walsh. Mr. Ring explained that a twelve inch line comes down 10th Street to tie into that, and a ten inch line comes down 15th Street. He explained that converting to a larger line will help with getting water to houses and hydrants.

Alderman Gonzalez asked if this cost covers milling and paving as well, and Mr. Ring responded that it does. Alderman Crawford asked if the City will be spending less now with grant funding, even with the additional work, and Mr. Ring responded that we will. He explained that the City bonded for \$1.35 million, and bids came in at \$1.15 million, leaving a contingency. He explained that the grant came available, so the City will be spending less to do the entire project at \$1 million than we are to do just the original scope at \$1.15 million.

Mr. Ring explained that although the City needs to spend \$1.5 million to receive the grant funding, that we would not be able to do the additional scope of the project without spending \$1.9 million.

Alderman Gonzalez explained that he feels that this is a great idea. Chief Richardson explained that this will be a big help in the City's ISO rating in the Fire Suppression Rating Index, and it is possible that after the project is complete, that some property owners will see their insurance rates go down. He noted that there are a lot of things that go into this, but that it is department-wide. Alderman Anastasia asked how often the City is rated. Mr. Richardson responded that we are rated every five years, but that we can request that it be done sooner. He explained that he has postponed our most recent rerating to see how this project works out.

Alderman Anastasia asked if we have a lot more red hydrants in the City, and Chief Richardson explained that we have done a pretty good job getting rid of a lot of them. He explained that most that are left are on dead end streets.

Alderman Crawford asked if Chief Richardson feels that the City should complete this project to 15th Street, and he responded that we absolutely should.

Mr. Ring explained that we desperately need to start replacing water lines in the City. He explained that we have 100 miles of water lines, most of which are 70, 80, or 90 years old. He explained that we have leaks on a regular basis, and they will continue to deteriorate. He explained that we need to start replacing lines because they are going to cause us issues in the future, and some will be 300 years old before we get to them. Alderman Crawford explained that he does not think that a water line has been replaced since he's been on the Council. He explained that he knows that water and sewer rate increases are always a contentious issue with constituents, but when you say that the money is being used to replace infrastructure, it makes sense,

Alderman Dougherty explained that he is all for taking this to the next step. Mayor Aiello explained that he wants the Council to be aware that we were notified that the grant funds are not there for reimbursement right now, so that may be held up. He explained that it is a concern. He explained that they have not indicated that the money is gone, just that they don't have it right now.

Alderman Crawford asked if the funding is not reimbursed until the end of the project, and Mayor Aiello explained that this type of funding is 50% up front. Mr. Ring explained that he suggests starting with Phase I of the project, which we already have funding for. He explained that we have the money in the bank to pay for Phase I, and the contractor can start after July 4th. He explained that we will follow all of the requirements of the funding source and complete Phase I. He explained that when EFC tells us the money is available, that we will then authorize

the contractor to begin Phase II. He noted that the worst case scenario is that we complete Phase I and receive no reimbursement, but that was the City's plan prior to receiving the grant award. Alderman Crawford noted that we are no worse off than we were before we received the grant.

Mayor Aiello explained that he wants to make sure that we are given the full information on this.

Alderman Gonzalez explained that we love spending grant money, but just because we can doesn't mean that we should. He explained that in these times of uncertainty as to whether or not the funding will be there at the end of a project, we need to be careful about how we proceed.

Alderman Crawford asked if the contractor is okay with the possible change order, and Mr. Ring responded that they are. He explained that the advice he is getting from an attorney with EFC is that the money isn't guaranteed. He explained that it is not available now due to budget issues with the state, and that they are running into the same issue with CHIPS funding.

Alderman Crawford asked if Phase I will kick off after July 4th, and Mr. Ring responded that it will if the Council decides to go in that direction. He explained that the contract has already been awarded.

Alderman Crawford explained that he thinks that this is great, and that the residents on the street have always thought of this as a pipe dream. He explained that He has talked to them for almost two years now about the project, and any movement we can get this year will be great. He asked what actions Mr. Ring will be looking for, and Mr. Ring responded that a bond resolution will be brought up, and Phase II will need to be awarded if the City goes in that direction.

Mayor Aiello explained that he will bring the change order to the Council.

b. Discussion – North Union Street Flower Garden (Anastasia)

Alderman Anastasia explained that he received a call from Paul Kayes, the owner of a nutrition store on North Union Street. He explained that there are currently islands in the front of the store that he has adopted, and he takes care of the gardens and shovels the walks. He explained that his business is hurting as well as his neighbor's business, and he is asking if the flowers in front of the business can be removed so that tables can be set up and people can come sit and enjoy his products. He explained that he is willing to maintain this.

Mayor Aiello explained that the area is one of the City's rain gardens, and Mr. Ring confirmed that it is. Alderman Anastasia explained that there are two gardens there, and only one has a

drain. Mr. Ring explained that most drainage is through the sidewalk and into the wet gardens. Mayor Aiello explained that Mr. Kayes has been talking to the City about doing this since his business has been there. He explained that he was previously advised that those are rain gardens and that we can't do anything there.

Alderman Crawford asked if the rain gardens are tied to grant money that prevents us from removing them, and Mayor Aiello responded that there is a time limit for that. He explained that the wet gardens were put in there to reduce the amount of water that enters the storm sewers. He explained that the City is working on a redesign for the street as a part of the DRI funding though, and that there may be something that can be done in the future.

Alderman Dougherty questioned if the area would be a swamp without the rain gardens, and Alderman Anastasia noted that there is only a storm drain in the right garden, and none in the left. Mayor Aiello explained that there is a cut in the sidewalk where the water drains into the gardens, where the plants help it absorb.

Alderman Dougherty explained that he loves to see people expand and use their own ideas, but these gardens serve a purpose, and changing them would be counterproductive to the engineer's design. Mr. Ring explained that he will look to see if these are indeed rain gardens, and he explained that two sidewalks go through there. Alderman Crawford explained that is a good point. Mayor Aiello explained that he could apply for a sidewalk café license which would allow him to put tables on the sidewalk.

Mayor Aiello explained that he will check it out to see what we can do, and get back to Alderman Anastasia. Alderman Panus noted that if we really want to work with him and there is not enough room, that maybe we could look into pervious pavement for him to put tables on.

c. Franchot Wading Pool Opening

Mayor Aiello explained that the City previously made the decision to close the pools for the summer, but that we are able to change the decision. Mr. Shewairy explained that he wants to state that the decision was made for safety and responsibility. He explained that there are guidelines from the Governor and Department of Health that need to be followed. This includes social distancing in the pool and around the pool, and people need to come with masks on and put them back on when they get out of the pool. He explained that there are more sanitation guidelines as well.

Mr. Shewairy explained that he met with the Health Department at Franchot Park, and at bare minimum staffing needs to be increased to ensure one person is at the gate and two are watching for social distancing, in addition to the three lifeguards required.

Alderman Gonzalez asked why this applies in pools but not parks, and Mr. Shewairy responded that it is because a pool is an enclosed, fenced in space. Mayor Aiello explained that we need a permit from the Health Department to open, and this is what they say we need to do. Mr. Shewairy added that we need a safety plan, and that there may be issues with enforcement. He explained that you cannot wear a facemask in the pool per code, but that there is a greater chance of spreading infection because this is a respiratory virus. He explained that people need to maintain social distancing, and group sizes need to be regulated. He explained that a group of no more than ten can show up. He explained that these restrictions are the reason that most municipalities in New York State have opted to keep pools closed.

Mr. Shewairy explained that Tonawanda is opening two of their three pools, and that while Buffalo is opening their splash pads, they are hesitant to open pools because they are confined spaces where social distancing needs to be enforced. He explained that Bolivar is not opening their pool, and the YMCA pool is currently closed for renovation work, but will not be open to the public. He explained that it will only be open for member water athletics and swim lessons.

Mr. Shewairy explained that pools make him nervous because they are inherently dangerous, but with COVID-19 at the forefront we need to be even more careful. He explained that the summer recreation pool can spread kids out easily. He explained that the pool is older at the Recreation Center and is basically a tub. He noted that the recreation program will also be run out of the recreation center and he would like to limit gatherings and the number of kids crossing paths.

Mr. Shewairy explained that this is the reason that he looked at Franchot. He explained that he knows that there have been a lot of comments on Facebook, and there is a lot of misinformation out there. He explained that this has nothing to do with the virus being in water, and everything to do with social distancing, face masks, sanitizing requirements and other New York State requirements that we have to follow.

Alderman Gonzalez asked what the middle ground is, and Mr. Shewairy explained that he was thinking of looking at Franchot to see if we could make it work. Mayor Aiello explained that is his thought as well. Mr. Shewairy explained that he feels that there is just too much going on at the recreation center to open that pool.

Alderman Gonzalez asked if the number of people in the pool would be restricted if the recreation center pool was open, and Mayor Aiello explained that he thinks that Franchot gets more use, and also that the deck is more confined at the recreation center. Mr. Shewairy added that the recreation center would require five additional staff members, making it a required crew of ten people. He noted that bathrooms would also need to be kept open.

Mayor Aiello explained that they talked today, and that they think that we can get Franchot open. He explained that we only need three life guards there, and we don't need as many monitors as we would need at the other pool. He explained that there is a bigger area at Franchot, and we can put up signage for social distancing and limit the number of people coming in. He explained that there would be hour and a half time slots, then the area can be cleaned before another group comes in.

Alderman Crawford asked if there are recommended guidelines on the amount of people that can be let in. Mr. Shewairy explained that he met today with the Health Department gentleman who inspects the pool each year, and they feel that we can allow fifty people in per session. He explained that this is just going to be the way that is has to be. He explained that if we do open the pool, we can publicize that amount that we can only have fifty people in at once. He explained that he wants kids to have fun, but we want to make sure that it is done safely while monitoring the best we can, which will be a challenge.

Alderman Gonzalez explained that he questioned the Mayor on this issue, and there were a lot of comments on Facebook. He explained that it never occurred to him that Mr. Shewairy wasn't acting in everyone's best interest, but that as an advocate of constituents it behooves the Council to ask questions and push back on their behalf. Mr. Shewairy explained that he wants people to understand that we are doing this because it is the right thing, the safe thing, and the responsible thing to do. Mayor Aiello explained that the first decision was made because there was no guidance from the Governor's office, and then all of a sudden out of the blue he said that pools can open. He explained that they made the call because they wanted the kids who had applied as summer lifeguards to have a chance to find a different summer job. He explained that he thinks that we can open up Franchot, which will at least give the parents with young kids an opportunity to go there.

Alderman Crawford asked if it will be first come, first serve, and Mayor Aiello responded that it will, and he doesn't think that we want to get into making reservations. Alderman Panus explained that he has not been there in a few years, and he asked if it is fenced in. Mayor Aiello explained that it is, and someone will be at the gate with a counter, and after we get to a certain point, he will let everyone know that we are full and can't take any more people.

Alderman Panus asked if we will still be offering swimming lessons at the Recreation Center, or if that is too big of an operation. Mr. Shewairy explained that we have not done swim lessons in three or four years, and there really hasn't been a demand for them. He explained that he has only received two or three calls in that time about swim lessons. He explained that we also are having a hard time finding lifeguards with enough experience to do the lessons, and he doesn't think that we should offer a service unless it is at the level that it needs to be.

Mayor Aiello explained that as soon as we have a plan in place, playgrounds will be open. He explained that we are looking for guidance on that, too. He explained that parks have been open right along, but as soon as we can figure out how to sanitize playgrounds, we will get them open. He noted that he has seen people using them now anyways.

Alderman Dougherty explained that at the same time, we are opening bars and restaurants. He explained that they don't have to hire additional staff, and he thinks that the mandates are just here and there and don't make sense. Alderman Gonzalez explained that he feels that the whole thing is unprecedented. Mayor Aiello explained that he doesn't think that the municipal pool at the Recreation Center is a complete dead issue, and that we could still move forward if we get a plan together. He explained that right now, the better option is to get Franchot open.

Mr. Shewairy explained that we don't have enough lifeguards right now to operate both pools, and it will take a few weeks to get Franchot up and running.

Alderman Gonzalez explained that the Council has been presented with a laundry list of projects at the municipal pool, and he wonders if while it's shut down, if it's a good idea to move forward with these projects. Mayor Aiello explained that it is.

Alderman Anastasia asked if Franchot will be open sometime in the middle of July, and Mr. Shewairy explained that realistically, is probably will be, depending on the weather. Alderman Anastasia asked if the pool is open until Labor Day, and Mr. Shewairy explained that it normally closes mid-August. He explained that if he can keep staff around for another week or two, he won't mind keeping it open.

Alderman Anastasia asked if it is really worth putting people's lives in jeopardy for a month, and Alderman Gonzalez explained that he is not concerned, if we follow guidelines from the CDC and Federal government. He explained that he thinks that there is a high level of ignorance out there about flaunting how dangerous the virus is. He explained that there are a lot of people who will use this pool who would otherwise be doing other things. Alderman Anastasia asked if signage will be placed such as "Enter at Your Own Risk due to COVID-19", and Mayor Aiello explained that he will have to look into it. He explained that he is shooting for Franchot to be open Fourth of July weekend, but we will see.

d. Miscellaneous

Alderman Gonzalez explained that there has been something on his mind for a couple of weeks. He explained that he typically resists the Council, the City, and Olean from getting involved in national issues, but this issue in particular is having a pretty profound impact. He explained that Black Lives Matter protests are happening, and he feels that there has been a really positive turnout in terms of people supporting the cause. He explained that the protests in the area

have been overwhelmingly peaceful, and the Police Department has been handling things very well. He explained that he will be putting forth a Black Lives Matter resolution for next week in support of protests in Olean and around the country. He explained that he thinks that we need to support people who are exercising their right to peacefully protest. He explained that the resolution will be in support of Black Lives Matter and the hundreds of people in the City of Olean who have exercised their right to peacefully protest. He explained that he welcomes any input from the Council, and he knows that the political angle to this is polarizing to some people for some reason.

Mayor Aiello explained that a few years ago we took the funding for mosquito spraying out of the budget, and it was decided that the money would come from contingency if it needed to be done. He explained that he has received the contract from the County, and it will be on the agenda to authorize him to sign it. He explained that the contract is in case they spray, so if they do spray we are included, and afterwards we will get a bill and transfer the necessary funds.

Mayor Aiello explained that he is looking to open the building to the general public again, so he will be making an announcement in the next couple of days on that. He asked if the Council then wants to open up meetings, and the consensus was to open them. Mayor Aiello explained that he will include that information when he sends out his press release. He explained that he will make the announcement tomorrow, and it will take effect at the end of this week or beginning of next. He noted that we will still maintain social distancing and wear masks, and there is some signage that the City needs to place around the building.

Alderman Crawford explained that he will ask possibly Tuesday to discuss the sale of real property in executive session.

Alderman Anastasia explained that the Council previously discussed security cameras, and he sees that a week or two ago, someone kicked in the door to the pavilion at Gargoyle Park and did damage. He asked if we are still working on this, and Mayor Aiello responded that the Police Chief has spoken with the company that previously supplied the City with cameras, and they are getting us quotes. He explained that he doesn't know if a camera for this can be added to the system, but there could be a standalone camera. He noted that very rarely does the City get damage there,

4. Approval of Committee Reports

None

5. Adjournment

A motion to adjourn was made by Alderman Gonzalez, seconded by Alderman Anastasia. Voice vote, ayes all. Motion carried. Meeting adjourned at approximately 6:35 p.m.