

COMMITTEE OF THE WHOLE MEETING MINUTES

TUESDAY, AUGUST 11, 2020 – 6:30 p.m.

COUNCIL CHAMBERS – OLEAN MUNICIPAL BUILDING

IN ATTENDANCE WERE: ALDERMEN GONZALEZ, WITTE, PANUS, DOUGHERTY, AND CRAWFORD. OTHERS: MAYOR WILLIAM AIELLO; LENS MARTIAL, CITY CLERK; NICHOLAS DICERBO, JR., CITY ATTORNEY; KERI KERPER, COMMUNITY DEVELOPMENT PROGRAM COORDINATOR; BOB RING, DIRECTOR OF PUBLIC WORKS, AND TIFFANY TAYLOR, MANAGERIAL CONFIDENTIAL ADMINISTRATIVE SECRETARY.

Alderman Gonzalez called the meeting to order at 6:30 p.m. and asked that the record show that all Aldermen were present except Alderman Robinson and Anastasia, who were excused.

1. Discussion – Stardust Pump Station Project

Mr. Ring explained that he has provided the Council with information pertaining to the project, and that it has been discussed many times. He presented a handout that includes project facts, including photos, public notification letters, and recent letters reaching out to area residents. He explained that the project has been delayed two weeks thus far due to delays from residents.

Mr. Ring explained that this is a very important water project in the City with great impact. He explained that about two weeks ago, he started hearing concerns when the contractor started laying the project out, and he and Mayor Aiello met with residents and made a number of compromises, which are shown on page 2 of the handout. He explained that at this point, the project cannot be delayed any longer without risk to grant funding and risk of losing good standing with EFC. He explained that EFC helped fund the Washington Street Project and the Wastewater Treatment Plant Project. Mr. Ring explained that this is the only ideal location for the project, and the plant is to continue with construction on August 17, 2020.

Mr. Ring explained that the project is planned on Main Street across from where Arland Avenue is paved on a paper street that the City owns. He explained that the first three pages of the handout provided really outlay the project location, as well as the existing conditions plan and proposed plan. Mr. Ring explained that the project scope is to construct a 30 feet by 14 feet pump station building with a backup generator, a communication antenna, an access driveway, utilities, and a utility gate. He explained that they have proposed to eliminate the communications antenna, which would have towered over the trees and would have been used to allow the station to communicate with the water plant. He explained that this change will result in a monthly cost for cellular data, and there will not be remote access there. Mr. Ring noted that the location will be accessible from the water plant, but not from home computers.

Mr. Ring explained that there is an existing 12 inch water line on this site that supplies water to Stardust water tanks, providing pressure to this area of North Olean. He explained that South Olean water tanks cannot provide pressure here needed for fire protection and proper water pressure within residents. He explained that this water line is covered by trees and brush, and it is currently inaccessible. He explained that this is just an example of some neglect from previous administrations that we are trying to correct, and this is why there are three projects ongoing for water infrastructure in the City.

Mr. Ring explained that the existing pump station is located on Stardust Lane above Arland Avenue, and it does not meet current standards. He explained that there is an obvious safety issue with water so close to the electric panel. He explained that the enclosed space is very deep, and a lot of guys that work for the water department would have difficulty getting out quickly in the case of an emergency. He explained that the new pump station cannot be put in the existing location because it would be less efficient and more costly, and in addition, the old station needs to remain in use until the new one is completed. He explained that there is a lack of space on Stardust for a new station, and the new building has to be larger to meet current standards. He explained that an added benefit is that we no longer have to inject a chemical that we use, as the new station will have auto injection so workers won't have to be sent out for manual injection. He explained that this will be located inside the building and can be operated from the water plant.

Mr. Ring explained that the higher elevation of the current station poses a lot of risk to the network and pumps. He explained that cavitation can be caused, where there is higher pressure on one side of the pumps and lower on the other. He explained that this creates a vacuum, and fast moving water damages the pumps.

Mr. Ring explained that with the tower removed, this project meets current Code Enforcement requirements. He explained that a photo on page 7 of the handout shows the current site, and explained that the new site can be easily hidden. Mr. Ring explained that there is a letter included that details that, with the help of Sue Cooper, the new station can be hidden with trees and shrubs. He explained that he has included a list of important dates for the project, most of which required Council approval.

Mr. Ring explained that communication with residents could have been better and more comprehensive, but that he provided letters showing that there has been communication all along. He explained that four of the five property owners required an easement for the project.

Mr. Ring explained that the total project cost is approximately \$689,000, and that EFC funds 60% of the project with a 40% local match. He explained that they have helped us fund this project in addition to the Washington Street Project and Wastewater Treatment Plant Project. He explained that we annually apply for funding with them, so we want to stay on schedule and in good standing. He explained that at this point in the approval process we are in the "use it or lose it" scenario, and a redesign is not practical.

Alderman Gonzalez asked if we don't break ground by Monday, August 17th, if we will lose the EFC funding. Mr. Ring explained that he is not saying that, but we have been delayed by COVID and now we are being delayed another two weeks. He explained that when we lay out the project schedule for EFC, they expect us to stick with it.

Mr. Ring explained that he does not blame the residents for their concerns related to drainage issues, since after all, they live at the bottom of a large hill. He explained that there are a lot of existing problems out there that require a future discussion. He explained that we don't particularly own any land in the area with the exception of the paper street, and drainage is a shared responsibility. He explained that it will take multiple facets from stopping the water from coming down the steep hill, starting with perhaps Code Enforcement changes and closing storm water sewers, which can cause a lot of money. He explained that there will be drainage ditches as a part of the project to direct water to the storm sewer, and this is Engineering 101.

Mr. Ring explained that we are not violating any Code Enforcement requirements. He explained that you cannot affect your neighbor's drainage, and any water that hits this disturbed site will hit a drainage ditch. He explained that there is a plan to remove 8 to 10 trees, but the project involves replacing them as well.

Mr. Ring explained that this project includes disturbance of 0.1 acres of property. He explained that this is not a project where we have to have environmental studies, as this is clearly a Type II Action. He explained that this is a small building which is not unlike building a house on this site. He explained that it is up to the Council to determine that this is a Type I or Type II Action. He explained that we have failing infrastructure through the City, and we need to make projects easier, not harder, as they are hard enough. He explained that we have to find funding to get these projects done.

Mr. Ring explained that the water department has a duty to provide clean water. He explained that the underground pump station has old pumps and safety issues, and this station affects all of North Olean. He explained that the primary goal of his office is to keep a project on time and under budget. He explained that there is nothing more important to him than delivering projects that we can move on in the next year.

Alderman Crawford explained that he looked at the site, and he understands that a lot of design work went into this. He explained what the difficulty is, in moving the location if there was another hypothetical location. He asked what the risk is, the cost, and if it is doable. Mr. Ring explained that he honestly doesn't know if it is doable. He explained that it would require a full redesign, which we already paid for the design portion of the project. HE explained that he doesn't know if the funding agency would allow this, and that risks a loss of \$500,000. Alderman Crawford asked what the design cost is, and Mr. Ring explained that the design cost is usually around 15%, so give or take \$100,000.

Alderman Crawford asked if we scrapped the project, how long we could rely on the existing pump station. Mr. Ring explained that it is a bit of an open ended question. He explained that the pump station is around 50 years old, and the typical useful life is 25 to 30 years. He explained that the station is not up to Code Enforcement or OSHA regulations.

Alderman Dougherty asked if this project fell by the wayside, how many residents would run into issues with their water if this pump station was to fail. Mr. Ring explained that if the pump fails then the tanks would drain, so there would be no way to provide enough pressure. He explained that the pressure would start to drop in the Stardust subdivision and eventually water would be lost completely. He explained that the biggest impact would be on the hill but that the impacts would trickle down. He explained that there would also be a lot of people out of water if there was an issue with the water line, which is only 30-40 years old but has a useful life of 40-50 years.

Alderman Dougherty asked about the water line that is covered by trees. Mr. Ring explained that the DPW would have trouble accessing the line up there. He explained that there are photos in the packet that show that the area is full of brush, and the area has been neglected for some time. He explained that in all right of ways, the electric and gas companies make sure to keep the area clear so that they can have immediate access if there is an issue. He explained that if we do not have immediate access to the site, then we will need to clear the side before a break can be found.

Alderman Witte explained that we haven't received this before. She explained that she showed Alderman Crawford the site and has spoken with the other Aldermen. She explained that the project has never been on Main Street, and has never been anything besides the Stardust Pump Station. She explained that this project has been hit and miss from the get go. She explained that she realizes that this is Mr. Ring's first solo project, but she thinks that the frustration on the part of her residents is that they weren't informed. She explained that Judy Lee Suda called her the day she received a letter about the right of way. She questions if we still have to take as many trees down, since the antenna has been removed from the project. She explained that we are supposed to be Tree City USA, and this is a beautiful neighborhood, but we are destroying part of it. She can understand why the residents are so mad about this. Everyone on Main Street has a drainage issue.

Alderman Witte explained that when the City took over the development, probably 50 or 60 years ago, we didn't do Main Street any favors. She explained that as a Council, she feels that this information should have come to us long before now. She explained that she asked for these things so she has seen them, but she thinks that this could have been handled differently, and there are still issues to clear up. She explained that these folks have been fumed on for years and she feels that they are being dumped on again. They will share their concerns during public comment.

Alderman Witte explained that the other concern is regarding the generator. She explained that they were told it was going to be tested once a week for 20 minutes, and then monthly. She asked if it will be gas or electric, and if it will be noisy. She feels like they keep getting conflicting

answers. She explained that there are some very intelligent, knowledgeable people here to speak. She feels that this could have been handled differently.

Alderman Dougherty explained that he remembers a presentation being done on this project. He knows he doesn't have photos from three years ago, but he knew that this project was taking place on a paper street off of Main Street.

Mr. Ring explained that we will be sensitive taking down brush and trees as best as we can. He explained that the tower not being there helps a little, as it was going to be on a big pad that would be close to the property line. He explained that the subdivision predates SEQR and Codes, which is why issues like drainage come up. He explained that this is a discussion that they can have later that is unrelated to this project, to tackle those issues. He explained that notification letters could have been better, and his office will handle things better. He explained that all of the paperwork says "Arland Avenue" back to 2019. He explained that there are four projects going on currently, including Washington Street, and the Fluorination Project. He explained that we pride ourselves on notification, and a couple of the property owners could have been notified better.

Alderman Gonzalez explained that he is not as up to speed as Alderman Witte, but he thinks that there is way too much uncertainty to have shovels in the ground in the next week. He is not totally up to speed but he thinks that it is unwise to start construction in six days. He explained that he does want to stay in good standing with EFC, but he thinks that it is more important to stay in good standing with our constituents.

Mr. Ring explained that it worries him that an important water project can be made political. He explained that if he owned this property and wanted to build on it, he could. He explained that there are major issues with shutting down the project due to political reasons.

Alderman Witte asked if the access road will be paved or gravel, and Mr. Ring explained that it will be paved to the gate and then gravel. Alderman Witte explained that she does not feel that this is political. She explained that property owners behind the existing property will be land locked. Mr. Ring responded that by law, we have to provide them with access, and we will provide that. He explained that he has addressed this multiple times.

Alderman Panus explained that he was educated as a landscape architect, and he came on when this project was ready to go. He explained that he didn't put much thought into it, but looking at the design, it was not frivolously thrown together, and this area is not a pristine parkland that anyone is cherishing. He explained that people don't need to jump down other people's throats because progress is happening. He thinks that we are doing the right thing with the gates, trees, and concealing the project, in his professional opinion.

Alderman Witte explained that she would like to invite Council members to go look at the site. She explained that when she put a curb cut in at her house she had to send letters to five different neighbors. She respects what is being said but if you walk through with one of the concerned

residents, they will tell you what their concerns are. The Council needs to listen and see what the concerns are, because they are valid. We would be remorseful to not give more time. She explained that we might not be able to change things, but we could at least give them the benefit of the doubt.

Alderman Crawford explained that we are a legislative making body, and we approve and appropriate money, and have voted on this. He explained that we have voted to accept the grant, and other than to maybe take time to give people a voice, he wonders if the Council has any leg to stand on. He explained that to his knowledge, the Council has done its part and this is in the Mayor's and DPW's hands now. He asked what more we can do. He explained that we can sit and voice our opinions and ask for cooperation but he wonders if there is any formal action that could be taken at this point. Alderman Witte responded that it seems that every time something comes up, we do something different, so she can't say that she knows.

Alderman Dougherty explained that this is a political issue, and as soon as it comes back to this room it is a political issue.

Mayor Aiello explained that they have been talking to a few of the people affected in the neighborhood, and they have had some good conversation. He explained that he met with one family and spoke about how the project could better suit the neighborhood. He explained that a concession was made on the tower, and they are attempting to address the landscaping issue. He explained that they are not taking down as many trees or cutting as much brush, and a better looking gate is being installed. He explained that indications are that they may be satisfied with that, but that they can continue to work with the neighborhood.

Alderman Dougherty explained that there is a drainage issue in the neighborhood already, and some of the drainage work being done in association with the project may help solve some of the drainage issues for the residents.

Alderman Gonzalez explained that he doesn't know the right answer or the right thing to do, but he feels that the City loses almost nothing if we don't break ground in 6 days. Alderman Dougherty responded that we could lose the financing from EFC for the project. Alderman Gonzalez asked if you could show him somewhere that it says that we will lose funding if we don't break ground, and Alderman Dougherty responded that we are not just a few days behind on the project, we are several months behind. Alderman Gonzalez responded that we received \$10 million in DRI funding three years ago that we haven't spent.

Mr. Ring explained that he understands that starting in 6 days seems like a short period of time. But as the progress progresses and they continue to work with property owners, the construction entrance could be begun as well as tapping into the water line, as the site needs to be cleared regardless. He explained that brush and trees still need to be cleared. He explained that the residents want to see the project laid out and this can't happen until at least the brush is gone, and that will take a couple of days.

Mr. Ring explained that we should progress a little bit, and that we have worked with them and want to work with them. Alderman Witte asked if everything has been signed off on and if the money has been approved, and MR. Ring explained that the grant is half reimbursable. He explained that you get half of the grant money up front and the other half when the project is closed. Alderman Gonzalez asked if we have received the first half. Mr. Ring explained that we can bill the entire design phase, but we haven't done this yet.

Alderman Panus asked if we should have been taking care of the brush and tree cleaning all along because the water line has been continually neglected, and Mr. Ring responded that it should have been. He explained that there is a really big tree in the middle that needs to be taken down, but there is also a lot of brush. He explained that this brush acts to provide some privacy for property owners, but trees for privacy are always included in project designs. He explained that they can make the project fit into a residential setting the best that we can. The City has offered fencing and shrubs, and this will all come to fruition when the project moves along. He explained that the exterior of the building needs to be done in order for indoor work to be completed in November and December. He explained right now the completion date is out to March 31st, and the notice proceed has gone out for the construction portion of the project. It is difficult to stop now.

Alderman Crawford asked what Mayor Aiello's next step is, and what his thoughts are. Mayor Aiello explained that he continues to work with neighbors and check with ESD to see what we can do with funding and move forward. He explained that there have been construction delays with the contractor, and this may result in increased cost from the contractor. He explained that there are some questions that still need answers.

Alderman Gonzalez noted that the audience can present their concerns during the Public Comment portion of the Regular Meeting later in the evening.

2. Discussion – Resolution establishing Equity and Inclusion Committee.

Alderman Gonzalez explained that the Aldermen have received a handout that includes the proposed structure, mission, and some bullet points on how he feels that this committee should be set up. He explained that he wants to get feedback from other members of the Council. He explained that some important things to remember are that this committee does not have voting power, and that they review policies, procedures and practices and make recommendations to the Council and the Mayor. He explained that the committee is a Mayoral Advisory Committee that is appointed by the Mayor, and he recommends that they meet twelve times per year. He noted that he has also put alternate members on the committee, so that if someone can't attend, there is still continual participation by the community.

Alderman Dougherty asked if City employees could include those that are appointed, and Alderman Gonzalez responded that he wouldn't say that they are excluded. He feels that a City employee is one who is not an Alderman or the Mayor.

Alderman Crawford explained that he feels that this is a good outline, and that it has a simple structure to it. He explained that it includes three underlying mission points. He explained that Alderman Robinson is not here but he appreciates what he offered, that the best committees are the ones that are essentially able to initiate their own directive. He explained that we should get members appointed and let them steer their own course and create their own rules and responsibilities.

Alderman Gonzalez explained that once the members are appointed, they can spend the first meeting or meetings establishing what they want to do. He explained that we should let them kind of self-guide, and give them the tools and let them run with it.

Alderman Dougherty explained that he thinks that they should meet “at minimum” twelve times a year. Alderman Gonzalez responded that the only thing in the resolution are the three mission bullet points, and that the other information is here for the Mayor and committee members. It is up to them to determine how often they need to meet. He explained that once this resolution is passed, the Mayor can convene with the candidates who have applied and will get the positions filled and set up the first meeting.

Mayor Aiello explained that interested parties have until the 15th to send resumes or letters of interest to his office. He explained that he has already received several for each committee.

3. PL #44-20: (Aiello) To authorize the Mayor to sign and submit a grant application to the New York State Department of Environmental Conservation under its Tree City USA Program for funding associated with the planting of trees for a grove in recognition of the City’s ongoing efforts to sustain a community forestry program.

Ms. Kerper explained that the New York State Forestry Council has announced an opportunity to apply for up to \$1,000 in financial assistance to plant either a large specimen tree or grove of trees. She explained that this is a reimbursement grant, and applications are scored competitively. She explained that a planting event would need to be held if the grant funding is received, and a report must be submitted and reviewed by the funding agency in order to receive reimbursement. She explained that the applications are due by September 14th, and awards will be announced by September 30th. She explained that planting would occur in Fall 2020 or Spring 2021.

Alderman Panus asked if there is a location in mind for this, and Ms. Kerper responded that it has to be a prominent site accessible to the public. She explained that she has not had the opportunity to discuss this with the Mayor, City Forester or DPW Director to determine the site.

A motion to approve PL #44-20 was made by Alderman Witte, seconded by Alderman Dougherty. Voice vote, ayes all. Motion carried. Referred to City Attorney for Resolution.

4. PL #45-20: (Aiello) That the Common Council as Lead Agency concludes that the Airport Runway 4-22 Rehabilitation Design Phase is a Type II Action and that after full review of

the Environmental Assessment Form determines that the project will have no adverse environmental impact and thus declares a Negative Declaration.

Mr. Ring explained that he is presenting two SEQRs to the Council for FAA and NYSDOT projects. He explained that these are for the design portions of two pavement projects.

Alderman Crawford asked if the airport is up and running in full operation. Mr. Ring responded that it is, and that we are following quarantine measures that the Governor has taken. He explained that there are some policies in place to prevent flights from other states, and we are running in close contact with the Department of Health.

Alderman Panus explained that he believes that if we got Olean where we want it, that the airport will have its place. He explained that it is an asset that has value, and to let it go away would not be good.

A motion to approve PL #45-20 was made by Alderman Panus, seconded by Alderman Dougherty. Voice vote, ayes all except Alderman Crawford, who voted nay. Motion carried. Referred to City Attorney for Resolution.

5. PL #46-20: (Aiello) That the Common Council as Lead Agency concludes that the Airport SRE Building Pavement Rehabilitation Design Phase is a Type II Action and that after full review of the Environmental Assessment Form determines that the project will have no adverse environmental impact and thus declares a Negative Declaration.

Alderman Witte asked who does the review for a Type II Action, and Mr. Ring responded that he prepares the form for the Council, and then the Council President signs off on it after a resolution is voted on, as well as himself.

A motion to approve PL #46-20 was made by Alderman Panus, seconded by Alderman Dougherty. Voice vote, ayes all except Alderman Crawford, who voted nay. Motion carried. Referred to City Attorney for Resolution.

6. Adjournment

A motion to adjourn was made by Alderman Gonzalez, seconded by Alderman Crawford. Voice vote, ayes all. Motion carried. Meeting adjourned at approximately 7:40 p.m.