

# **Journal of Proceedings**

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

March 24, 2020

***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, March 24, 2020 at 6:40 p.m.*

**PRESENT:** *Aldermen Gonzalez, Witte, Panus, Dougherty, Crawford, and Anastasia*

**ABSENT:** *None*

**OFFICIALS:** *Mayor William Aiello; Lens Martial, City Clerk; Nicholas DiCerbo, Jr., City Attorney; Fred Saradin, City Auditor; Bob Ring, Director of Public Works; Jeff Rowley, Police Chief; Tim Richardson, Fire Chief, and Tiffany Taylor, Managerial Confidential Administrative Secretary.*

*At this time a prayer was given by Mr. Martial, 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 March 10, 2020 meeting was made by Alderman Gonzalez, seconded by Alderman Anastasia. Voice vote, ayes all. Motion carried.*

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

*Report from Committee of the Whole on PL #18-20, to authorize the implementation and funding in the first instance 100% of the federal-aid and State “Marchiselli” Program-aid eligible costs, of Walkable Olean – Phase III, a transportation federal-aid project, and appropriating funds therefore. Committee recommends approval, Referred to City Attorney for Resolution.*

*Report from Committee of the Whole on PL #19-20, to authorize the Mayor to execute a Third Party Operator Agreement for the Olean Area Transit System between the City of Olean and First Transit, Inc. for services for the period June , 2020 through May 31, 2021. Committee recommends approval. Referred to City Attorney for Resolution.*

*Report from Committee of the Whole on PL #20-20, to award the bid for electrical energy services to Constellation NewEnergy, Inc. Committee recommends approval. Referred to City Attorney for Resolution.*

***COMMUNICATIONS FROM THE MAYOR***

*None*

***MISCELLANEOUS COMMUNICATIONS***

*None*

***CITY OFFICIAL REPORTS***

*None*

***PROPOSED LEGISLATION AND REFERRALS***

*PL #18-20: (Aiello) To authorize the implementation and funding in the first instance 100% of the federal-aid and State “Marchiselli” Program-aid eligible costs, of Walkable Olean*

## **Journal of Proceedings**

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

March 24, 2020

– *Phase III, a transportation federal-aid project, and appropriating funds therefore. Referred to Committee of the Whole Tuesday, March 24, 2020 by Council President.*

*PL #19-20: (Aiello) To authorize the Mayor to execute a Third Party Operator Agreement for the Olean Area Transit System between the City of Olean and First Transit, Inc. for services for the period June 1, 2020 through May 31, 2021. Referred to Committee of the Whole Tuesday, March 24, 2020 by Council President.*

*PL #20-20: (Aiello) To award the bid for electrical energy services to Constellation NewEnergy, Inc. Referred to Committee of the Whole Tuesday, March 24, 2020 by Council President.*

### ***PUBLIC COMMENT/INPUT***

*Alderman Gonzalez explained that since this is a closed door meeting, public comment is really not entirely possible, but he would like to open the meeting for members of the Council to make comments.*

*Alderman Witte explained that in speaking to some of the residents in her ward as well as some of the other Aldermen, she has concerns regarding the upcoming budget. She feels that with current events it will probably have to be redone, and in order to be responsible to residents, we need to tighten our valves. She explained that she has heard that some people are taking this health crisis seriously and some people aren't, but the current crisis is pointing the City towards a financial crisis and she thinks that it will take more than two meetings to sort this out.*

*Alderman Crawford explained that he reached out to the Mayor and Auditor, and he would like to echo Alderman Witte's concerns. He explained that his concerns are not only for the proposed budget, but also for the remainder of the budget that we are currently in. He wonders what the worst case scenario is. He explained that he asked for sales tax revenue information from Mr. Saradin, and he does not feel that we will get anywhere close to where we hoped to be. He feels that the City needs a risk mitigation strategy, and he would like to know what the City is doing to make cuts. HE would like to know what the City is trying to do to protect the financial position of the organization over the next couple of months. He explained that he has spoken with the Mayor, who has been working over the past several weeks and who should have a presentation for the Council by next Tuesday. He explained that it is critical to take a look at where we stand for the next two months to understand what to do for the 2020-2021 budget.*

*Mayor Aiello explained that he will have the presentation to the Council sooner if it can be put together sooner. He explained that he has been working on a lot of things and has been looking at different scenarios and listening to the Governor's office to try and put information together for the Council. He explained that he has asked the department heads to start taking a look at the budget, and he has put a freeze on unnecessary spending. Alderman Crawford thanked Mayor Aiello for taking that proactive measure.*

*Alderman Gonzalez explained that he feels that we need to look at cash flows and make sure that the City has the liquidity to keep core services fully operational, as well as to keep City employees paid. Alderman Panus asked if there is plan in case the virus affects City employees, and if the City has the manpower and a plan to keep core services running if employees are compromised.*

*Mayor Aiello explained that he has been meeting daily with department heads, and Room 119 has been set up with "Go to Meeting" so that if people are working from home, they can cell into the meeting to help practice social distancing. He explained that the daily meetings are regarding how the City will operate if this virus affects our*

# Journal of Proceedings

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

March 24, 2020

*manpower. He explained that they have started rotating people that have been off, and trying to minimize contact by restricting to only one officer per police car. He explained that the Fire Department is using precautions, and water and sewer employees are working separately and taking breaks separately, He explained that everyone has been working on things and the City will do what it has to do to keep operations going. He explained that Police, Fire, Water, Sewer and Dispatch are considered essential, but the City is on about half-staff there and needs to keep moving forward.*

*Mayor Aiello explained that workers have been doing things around the City as they can, such as laying mulch. He explained that he was yelled at about this, but he would rather have forces being paid to do jobs that need to be done rather than sitting at home getting paid, He explained that there will be all sorts of issues as this keeps going, such as high grass causing a safety issue in parks due to ticks He explained that plans are being put into place, such as the Clerk's office only being open to the public for four hours a day. The public can make appointments with other services if they need to. He noted that building permits are up so people must be doing work around their homes during the time they can't work. He explained that we are in uncharted waters, and that while the City can handle snow storms and wind storms, we are trying our best to handle the pandemic that is happening.*

## **FINANCE / BILLS**

*By Alderman Dougherty, Seconded by Alderman Panus*

*The Auditor has processed bills and claims against the City of Olean as per list 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 \$719,237.98 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**

*A motion to suspend the rules was made by Alderman Gonzalez, seconded by Alderman Dougherty. Voice vote, ayes all. Motion carried.*

*A motion to amend the agenda to include Resolution #23-20 was made by Alderman Gonzalez, seconded by Alderman Anastasia. Voice vote, ayes all. Motion carried.*

### **RESOLUTION #19-20**

#### **PL #17-20**

*By Alderman Anastasia, Seconded by Alderman Witte*

***TO AMEND THE CITY OF OLEAN CODE OF ORDINANCES SECTION 24-135 TO PROHIBIT PARKING ON THE SOUTH SIDE OF EAST OAK STREET FOR A DISTANCE OF 50 FEET FROM THE WEST CURBLINE OF WALNUT STREET***

***RESOLVED***, that the City of Olean Code of Ordinances Section 24-135 is hereby amended to include the following:

<b><i>Street</i></b>	<b><i>Side</i></b>	<b><i>Extent</i></b>
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# Journal of Proceedings

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

March 24, 2020

Oak Street, East                      South                      50 feet from the west curbline of Walnut Street

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

**ROLL CALL, AYES ALL. MOTION CARRIED.**

## **RESOLUTION #20-20**

### **PL #18-20**

By Alderman Witte, Seconded by Alderman Crawford

**TO AUTHORIZE THE IMPLEMENTATION IN THE FIRST INSTANCE 100% OF THE FEDERAL-AID AND STATE “MARCHISELLI” PROGRAM-AID ELIGIBLE COSTS, OF WALKABLE OLEAN PHASE III, A TRANSPORTATION FEDERAL-AID PROJECT, AND APPROPRIATING FUNDS THEREFORE**

**WHEREAS**, a project for Walkable Olean Phase III, P.I.N. 5762.36 (the “Project”) is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 100% Federal funds and 0% non-federal funds; and

**WHEREAS**, the Common Council of the City of Olean desires to advance the Project;

**NOW, THEREFORE**, the Common Council of the City of Olean, duly convened, does hereby

**RESOLVE**, that the Common Council hereby approves the above subject project; and it is hereby further

**RESOLVED**, that the Common Council hereby authorizes the City of Olean to pay in the first instance 100% of the federal and non-federal share of the cost of the Preliminary Engineering (Design I-VI), Right-of-Way Incidentals and Construction . Construction Inspection Phase for the Project or portions thereof; and it is further

**RESOLVED**, that the Common Council authorizes Supplemental Agreement #1 which supersedes the Original Agreement which had a total value of \$176,000 by adding the Construction / Construction Inspection Phase, reducing the Right-of-Way Incidentals Phase and adding additional 100% Local Share; and

**RESOLVED**, that in the event that the full federal and non-federal share costs of the project exceeds the amount appropriated, the Common Council of the City of Olean shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the Director of Public Works thereof; and it is further

**RESOLVED**, that the Mayor of the City of Olean be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the City of Olean with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality’s first instance funding of project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible, and it is further

**RESOLVED**, that a certified copy of this Resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project, and it is further

**RESOLVED**, this Resolution shall take effect immediately.

**ROLL CALL, AYES ALL. MOTION CARRIED.**

# Journal of Proceedings

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

March 24, 2020

## **RESOLUTION #21-20**

### **PL #19=20**

*By Alderman Witte, Seconded by Alderman Dougherty*

#### ***TO AUTHORIZE THE MAYOR TO EXECUTE A THIRD PARTY OPERATOR AGREEMENT FOR THE OLEAN AREA TRANSIT SYSTEM***

***WHEREAS***, the City of Olean's contract with its current Third Party Operator for the Olean Area Transit System (OATS) expires on May 31, 2020, and

***WHEREAS***, the City of Olean solicited proposals to continue this public transportation service through a Request for Proposal (RFP) procurement process, and

***WHEREAS***, three proposals were received in response to the RFP by the Department of Community Development, and the OATS Selection Committee reviewed and scored the proposals, and

***WHEREAS***, upon review and analysis of the proposal by the OATS Selection Committee via the evaluation factors listed in the RFP, the committee recommends to the Common Council that First Transit, Inc. be awarded this contract, and

***WHEREAS***, the period of the services sought by the procurement shall be June 1, 2020 through May 31, 2021, with an option to renew the contract for up to three one year extensions.

***NOW, THEREFORE, BE IT RESOLVED***, that the Mayor is authorized to execute a Third Party Operator Agreement with First Transit, Inc. for the operation of the OATS, but the Mayor will not be authorized to approve the extension of such contract without prior Council approval.

***BE IT FURTHER RESOLED***, that this Resolution is effective immediately.

***ROLL CALL, AYES ALL. MOTION CARRIED.***

## **RESOLUTION #22-20**

### **PL #20-20**

*By Alderman Gonzalez, Seconded by Alderman Panus*

#### ***TO AWARD THE BID FOR ELECTRICAL ENERGY SERVICES TO CONSTELLATION NEWENERGY, INC.***

***WHEREAS***, the City of Olean has requested bids for electrical energy supply services for the City; and

***WHEREAS***, proposals were received and reviewed by the Department of Public Works for determination of the lowest qualified bid for electrical energy services; and

***WHEREAS***, upon review of the proposals received, it was determined that Constellation NewEnergy, Inc. is the lowest qualified bidder for electrical energy services, providing savings to the City of Olean in comparison to current energy supplier rates;

***NOW, THEREFORE, BE IT RESOLVED***, that the Common Council authorizes the award of the bid for electrical energy services to Constellation New Energy, Inc.

***RESOLVED***, that the Common Council authorizes the Mayor of the City of Olean to execute all agreements and contracts in association with aforementioned bid award.

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

***ROLL CALL, AYES ALL. MOTION CARRIED.***

# Journal of Proceedings

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

March 24, 2020

## **RESOLUTION #23-20**

### **PL #NONE**

*By Alderman Dougherty, Seconded by Alderman Crawford*

#### **RESOLUTION CONFIRMING THE MAYORAL APPOINTMENT OF RONALD DAPOLITO AS WARD 6 ALDERMAN**

**RESOLVED**, that the Common Council confirms the Mayoral appointment of Ronald DaPolito as Ward 6 Alderman.

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

**ROLL CALL, AYES ALL. MOTION CARRIED.**

*Alderman Witte asked if the Council will continue to meet like this, She understands that the County will be meeting by phone. Mr. DiCerbo explained that as long as everyone is able to use GoTo Meeting or Zoon and could meet remotely with a computer, it could be done that way. He explained that there is a live meeting requirement, and that the meetings can be recorded and transcribed to be in compliance with the modified Open Meetings Law. He explained that in a different scenario, ten people could sit in the Council Chambers, while he sits in his office, and others participate via phone He explained that it could be worked out if it gets to that point, but we are certainly in uncharted territory.*

*Mayor Aiello explained that he will start limiting the number of department heads who attend in order to cut down on the number of people at the meetings. He explained that this is again just uncharted territory for everyone. He explained that Room 119 is set up for GoTo Meeting if that is what the Council chooses.*

*Alderman Gonzalez explained that the budget needs to be passed by April 15<sup>th</sup>, and he wonders if the State has allowed for any relief on that. Mayor Aiello explained that they have not yet. He explained that there are interesting questions that come up every day on the Governor's call, but they aren't always answered because the staff does not want to give an incorrect answer. He explained that on the call, there is always an update of the number of cases, as well as during the Governor's press conference. He explained that there is an information sheet that was sent out that includes a lot of information. He explained that yesterday he had his first call with the County, and he explained that their emergency services had a call with municipal officers throughout the County. He explained that it was very well done and that there was a lot of good information. He explained that the County's emergency services center is open and that there is now a coronavirus hotline that the public can call to get their questions answered.*

*Mayor Aiello explained that there is a lot of information out there, and it is his recommendation to go to official sites for information and not to Facebook.*

*Alderman Witte asked if there is any information on how many people have been tested in our county, and Mayor Aiello explained that daily they put out a report of how many people are under mandatory quarantine, how many people are self-quarantined, how many people have been tested and how many people have negative test results. He explained that the issue is that like everywhere else, it is difficult to get test kits to do the test.*

*Mayor Aiello explained that the Governor is working hard to get more test kits for the State, and there is a day by day update including Executive Orders on his website. He explained that there is now a FEMA number that has been assigned to the County, and that he directed the department heads to keep track of all of the expenses that have to do with this pandemic and to document them properly so that they can be turned in for reimbursement.*

# Journal of Proceedings

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

March 24, 2020

*Alderman Witte noted that Erie County has shut down parks and asked if there are any plans to do this in the City. Mayor Aiello explained that this may be something that we need to do, but perhaps for playgrounds and not entire parks. Alderman Witte explained that she saw several kids at War Vets Park Saturday, and it seems that kids are getting together even though they should not be during this time. She hopes that kids will start staying home.*

*Mayor Aiello explained that he got a all the other day about whether or not we are ticketing for the two hour zones, but no one is open on North Union Street so he does not know why people would need to park for more than two hours. He explained that there are these types of questions out there every day and there will be more and more.*

*Alderman Gonzalez asked that Mayor Aiello please push to get more information on extending the budget deadline, because even getting it extended by a couple weeks would be a great help.*

*Alderman Crawford explained that he understands that on Tuesday we will be discussing the new budget, but he feels that it would also be helpful to take a look at the plan for the remainder of the current budget. He noted that there is some contingency money if necessary, and we need to develop a strategy for the rest of the fiscal year. Mr. DiCerbo noted that we are good on cash flow through the end of June, and Alderman Crawford explained that he would like to look at things through a profit and loss standpoint.*

## **ADJOURNMENT**

*Motion to adjourn was made by Alderman Gonzalez, seconded by Alderman Witte. 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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*Paul Gonzalez, Council President*

*I hereby approve the foregoing minutes*

*Dated: \_\_\_\_/\_\_\_\_/\_\_\_\_*

**STATE OF NEW YORK  
COUNTY OF CATTARAUGUS  
CITY OF OLEAN**

*I, Alexander Utecht, 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*