

Journal of Proceedings

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

July 14, 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, July 14, 2020 at 6:35 p.m.

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

ABSENT: *None*

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

At this time an invocation given by Mr. Martial, followed by a salute to the flag.

***READING, CORRECTING, AND APPROVAL OF THE MINUTES OF THE
PREVIOUS REGULAR MEETING***

A motion to approve the minutes of the June 23, 2020 Regular Meeting was made by Alderman Gonzalez, seconded by Alderman Dougherty. Voice vote, ayes all. Motion carried.

COMMITTEE REPORTS & UNFINISHED COUNCIL BUSINESS

Report from Strategic Planning Committee on PL #37-20, to amend the City of Olean Code of Ordinances Section 5-1, subsection (4), to amend setback requirements for fowl within the limits of the City. Committee recommends approval. Referred to City Attorney for Resolution.

Report from Committee of the Whole on PL #40-20, to authorize the sale of 303 East Elm Street to a private entity. Committee recommends approval. Referred to City Attorney for Resolution.

COMMUNICATIONS FROM THE MAYOR

Condolences to the family of Edwin Triesky who recently passed away. Mr. Triesky was a member of the Olean Police Department for 34 years.

MISCELLANEOUS COMMUNICATIONS

None

CITY OFFICIAL REPORTS

None

PROPOSED LEGISLATION AND REFERRALS

PL #38-20: (Aiello) To award the Fluorination / Well House Improvements Project to Kinley Corporation. Referred to Regular Meeting Tuesday, July 14, 2020 for Resolution by Council President.

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PL #39-20: (Aiello) To authorize the Mayor to execute an Intermunicipal Shared Maintenance Agreement with the Town of Allegany for the Allegheny River Valley Trail. Referred to Regular Meeting Tuesday, July 14, 2020 for Resolution by Council President.

PL #40-20: (Aiello) To authorize the sale of 303 East Elm Street to a private entity. Referred to Committee of the Whole Tuesday, July 14, 2020 by Council President.

PUBLIC COMMENT/INPUT

Alderman Witte explained that one of the things that comes from census results is funding from the Federal Government for healthcare systems and education programs. She explained that it is important for everyone to complete the census because it benefits all of us.

Alderman Dougherty explained that Edwin Triesky was one of his favorite constituents and he sends his condolences to his family.

Kevin Bartholomew of 737 Bishop Street asked what the status of the mall property is, as he was told a year ago that there were plans in place but nothing has happened. He explained that he knows that it is difficult because of coronavirus but it is an eyesore on the town and the new North Union Street. He also explained that some of the things that he read in the paper about the recent town hall meetings was very upsetting. He feels that everyone has a degree of racism in them, and as soon as everyone realizes that, we can learn to get along and work together. This is something that we need to look into, and we can't cower to these people.

FINANCE / BILLS

None

RESOLUTIONS

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

A motion to amend the agenda to include Resolution #53-20 was made by Alderman Gonzalez, seconded by Alderman Witte. Voice vote, ayes all. Motion carried.

RESOLUTION #49-20

PL #38-20

By Alderman Witte, Seconded by Alderman Panus

TO AWARD THE FLUORINATION / WELL HOUSE IMPROVEMENTS PROJECT TO KINLEY CORPORATION

WHEREAS, the City of Olean received bids for the Well House Improvements Project on June 4, 2020; and

WHEREAS, Hunt Engineers, Architects, Land Surveyors and Landscape Architects, DPC reviewed the four bids received and have recommended that the base bid be awarded to Kinley Corporation of NY for a total amount of \$382,850.00;

BE IT RESOLVED, that the Common Council of the City of Olean authorizes the award for the Well House Improvements Project to Kinley Corporation of NY in an amount of \$382,850.00.

RESOLVED, that the Common Council authorizes the Mayor to sign any pertinent contracts, documents, and agreements associated with the award of said project.

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RESOLVED, that this Resolution is effective immediately.

ROLL CALL, AYES ALL. MOTION CARRIED.

RESOLUTION #50-20

PL #39-20

By Alderman Dougherty, Seconded by Alderman Crawford

TO AUTHORIZE THE MAYOR TO EXECUTE AN INTERMUNICIPAL SHARED MAINTENANCE AGREEMENT WITH THE TOWN OF ALLEGANY FOR THE ALLEGHENY RIVER VALLEY TRAIL

WHEREAS, the Allegheny River Valley Trail is located within the municipal limits of both the Town of Allegany and the City of Olean; and

WHEREAS, the delegation of responsibilities and the sharing of maintenance costs associated with the Trail is a cost-effective method of ensuring the continued use of the Trail by the residents of both the Town and the City; and

WHEREAS, the City of Olean agrees to commit a total of \$1,750 toward the annual costs associated with the maintenance and upkeep of the trail, in addition of one half of the costs for any equipment rental or purchase up to \$1,750;

BE IT RESOLVED, that the Common Council of the City of Olean authorizes the Mayor to enter into an Intermunicipal Shared Maintenance Agreement with the Town of Allegany for the Allegheny River Valley Trail.

RESOLVED, that this Resolution is effective immediately.

ROLL CALL, AYES ALL. MOTION CARRIED.

RESOLUTION #51-20

PL #40-20

By Alderman Anastasia, Seconded by Alderman Crawford

TO AUTHORIZE THE SALE OF 303 EAST ELM STREET TO A PRIVATE ENTITY

WHEREAS, on October 25, 2016 the Olean Common Council enacted Local Law #01-2016, adopting a policy for the sale or franchise of City-owned property; and

WHEREAS, said Local Law authorizes the Common Council to authorize a private sale of City-owned property not needed for public or municipal purposes, if said sale is in the best interests of the City; and

WHEREAS, Adrienne M. Saleh, resident and owner of 221 East Elm Street and Roy Belleisle, resident and owner of 305 East Elm Street (collectively, the "Owners"), have submitted to the Common Council a purchase offer for City-owned property ("City Property") located at 303 East Elm Street; and

WHEREAS, the City Property is located adjacent to the property of the owners;

NOW, THEREFORE, BE IT RESOLVED, that the Common Council declares that the City Property identified as 303 East Elm Street (s/b/l 94.041-2-30) as property that is no longer needed for public or municipal purposes; and

BE IT FURTHER RESOLVED, that the Common Council determines that the sale of the property to Adrienne M. Saleh and Roy Bellesile with the condition that the property be maintained in accordance with the City of Olean Code of Ordinances by the Owners is in the best interests of the City; and

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BE IT FURTHER RESOLVED, that the City will sell and convey its rights, title and interest in and to the real property identified as 303 East Elm Street (s/b/l 94.041-2-30) to Adrienne M. Saleh and Roy Belleisle for \$3,000 and the cost of the conveyance; and

RESOLVED, that the deed conveying title to the property shall contain the following restrictive and reversionary language which is intended to run with the land: the owners will be responsible to maintain the lot in accordance with requirements set forth within the City of Olean Code of Ordinances.

RESOLVED, that the deed shall not be executed and delivered to the Grantee until the time period specified in Local Law 01-2016, for the filing of a petition demanding a public referendum on the proposed sale, has expired.

RESOLVED, that this Resolution is effective immediately.

ROLL CALL, AYES ALL. MOTION CARRIED.

RESOLUTION #53-20

PL #NONE

By Alderman Dougherty, Seconded by Alderman Witte

THAT THE COMMON COUNCIL AS LEAD AGENCY CONCLUDES THAT THE PEDESTRIAN SAFETY ACTION PLAN – INTERSECTION IMPROVEMENTS PROJECT 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

WHEREAS, the City of Olean is desirous of undertaking a Pedestrian Safety Action Plan – Intersection Improvements Project; and

WHEREAS, such project requires SEQR review prior to formal consideration by the Common Council; and

WHEREAS, said project qualifies as a Type II Action under SEQRA regulations; and

WHEREAS, the Common Council, in its capacity as Lead Agency, has caused to be prepared an environmental assessment of the significance of a potential environmental impact of the action described above; and

WHEREAS, it has been determined through findings of the Environmental Assessment Form that the proposed project will have no significant impact(s) on the environment;

NOW, THEREFORE, BE IT RESOLVED, that the City of Olean Common Council declares itself Lead Agency for this project and for the purposes of SEQRA.

BE IT FURTHER RESOLVED, that the Common Council, as Lead Agency, concludes that the Pedestrian Safety Action Plan – Intersection Improvements Project 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 issues a Negative Declaration.

RESOLVED, that this Resolution is effective immediately.

ROLL CALL, AYES ALL. MOTION CARRIED.

ADJOURNMENT

Motion to adjourn was made by Alderman Gonzalez, seconded by Alderman Anastasia. Voice vote, ayes all. Motion carried. Meeting adjourned at approximately 6:50 p.m.

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Lens Martial, City Clerk

Mayor William J. Aiello

Paul Gonzalez, 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.

Lens Martial, City Clerk