

Journal of Proceedings

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

July 28, 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 28, 2020 at 7:45 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, 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 July 14, 2020 meeting was made by Alderman Gonzalez, seconded by Alderman Dougherty. Voice vote, ayes all. Motion carried.

COMMITTEE REPORTS & UNFINISHED COUNCIL BUSINESS

Report from Committee of the Whole on PL #37-20, to amend the City of Olean Code of Ordinances Section 5-1, subsection (4), to amend the 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 #42-20, to award the contract for Cleanup Week refuse services to Beichner Waste for an amount of \$210.00per ton with electronics. Committee recommends approval. Referred to City Attorney for Resolution.

COMMUNICATIONS FROM THE MAYOR

Notice of Retirement – Officer James Marcellin, as of August 28, 2020

Mayor Aiello explained that it gives him great pleasure to nominate Vernon Robinson, Jr. of 1910 Washington Street in Olean as Alderman for Ward 6. He explained that there will be a resolution later in the evening to confirm this appointment.

MISCELLANEOUS COMMUNICATIONS

None

CITY OFFICIAL REPORTS

None

PROPOSED LEGISLATION AND REFERRALS

PL #41-20: (Crawford) To authorize the transfer of up to \$6,000 from General Fund Contingency to line item 1680.200 for costs associated with the live streaming of Common Council Meetings. Referred to Regular Meeting Tuesday, July 28, 2020 for Resolution by Council President.

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PL #42-20: (Aiello) To award the contract for Cleanup Week refuse services to Beichner Waste for an amount of \$210.00 per ton with electronics. Referred to Committee of the Whole Tuesday, July 28, 2020 by Council President.

PUBLIC COMMENT/INPUT

Daniel Gayton explained that he wants to commend the Council for pushing the committees forward, and actually putting together a structure for them. He explained that from the Olean Racial Justice Coalition perspective, they have been pushing for this. He agrees from the committee perspective that there needs to be two separate committees, and he is glad that this is the direction in which the Council is headed. He is also happy to see Vernon Robinson, Jr. nominated for Alderman in Ward 6. He explained that there has never been an African American on the Council in Olean. He explained that this took longer than electing a black president, but here we are, and he backs him one hundred percent. He explained that he wants the Council to realize that tonight as we are going through the process of making Olean more diverse, we are making history and changing things. He feels that the Council should feel good about this.

Ty Malone of Eleventh Street thanked the Council for taking the first step, like Mr. Gayton stated. He explained that as a black man in Olean's community, he thanks the Council from the bottom of his heart. He congratulated the Council and told them to go home and look in the mirror, knowing they did the right thing. He also suggested that the Council consider ethics and conflicts of interest for the new committees. He explained that having the Chief of Police on the police reform committee could create conflict of interest issues. He explained that he is there for any board that the Council would want him to serve on, and he wants to work with the Council to take Olean into the future.

Mickey George thanked everyone for what they're doing tonight, as he understands that it's hard work. He explained that he feels that the police reform committee should have subpoena power to ensure police, city officials, lawyers, and school officials are behaving properly. He also feels that an active police officer would serve better than a retired one, as there are constant changes in legislation that a retired officer may not be familiar with. As the Executive Order hints at funding changes being linked to the effort of reform, he thinks that things could get hard for the City as we get this wrong, and we are really hanging in the balance. He explained that we shouldn't give the State a reason why we don't matter. Important people are watching and waiting for us to get this right.

Darryl Padgett explained that he wanted to say the same thing as Ty and Daniel. He explained that he appreciates the Council taking steps to move forward. He doesn't want to see the Council getting into the business of lip service, and he wants them to take steps to move forward. He explained that he will be submitting his letter of intent to be included on one of the boards because he has experience in both aspects. He explained that this is the first time he has attended a meeting, and until now he has really sat back and watched. He congratulated Vernon for getting nominated, and let the Council know that he wanted to introduce himself and let them know that he will be around a lot more.

FINANCE / BILLS

By Alderman Crawford, Seconded by Alderman Dougherty

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

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the City of Olean totaling \$1,108,126.92 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 Anastasia. Voice vote, ayes all. Motion carried.

A motion to amend the agenda to include Resolutions 56-20 and 57-20 was made by Alderman Gonzalez, seconded by Alderman Crawford. Voice vote, ayes all. Motion carried.

RESOLUTION #54-20
PL #41-20

By Alderman Crawford, Seconded by Alderman Gonzalez

***RESOLUTION AUTHORIZING THE TRANSFER OF FUNDS FROM GENERAL FUND
CONTINGENCY TO LINE ITEM 1680.200 FOR COSTS ASSOCIATED WITH THE LIVE
STREAMING OF COMMON COUNCIL MEETINGS***

RESOLVED, that the following transfer be authorized for costs associated with the live streaming of Common Council meetings:

<i>Account #</i>	<i>Description – General</i>	<i>Transferred From</i>	<i>Transferred to</i>
<i>A-01-5-1990.590</i>	<i>General Fund Contingency</i>	<i>Up to \$6,000</i>	
<i>A-01-5-1680.200</i>	<i>Information Technology – Other Equipment</i>		<i>Up to \$6,000</i>

BE IT FURTHER RESOLVED, that this Resolution is effective immediately.
ROLL CALL, AYES ALL. MOTION CARRIED.

RESOLUTION #55-20
PL #42-20

By Alderman Witte, Seconded by Alderman Dougherty

***TO AWARD THE CONTRACT FOR CLEANUP WEEK REFUSE SERVICES TO BEICHNER
WASTE FOR AN AMOUNT OF \$210.00 PER TON WITH ELECTRONICS***

WHEREAS, bids were received for refuse services for Cleanup Week and upon review of said bids, it has been determined that Beichner Waste is the lowest responsible bidder;

BE IT RESOLVED, that the Common Council authorizes the award of the contract for Cleanup Week refuse services to Beichner Waste for a cost of \$210.00 per ton with electronics.

BE IT RESOLVED, that the Common Council authorizes the Mayor to sign any contracts or agreements associated with the award of this contract.

RESOLVED, that this Resolution is effective immediately.
ROLL CALL, AYES ALL. MOTION CARRIED.

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RESOLUTION #56-20

PL #NONE

By Alderman Crawford, Seconded by Alderman Panus

AUTHORIZING THE IMPLEMENTATION AND FUNDING IN THE FIRST INSTANCE 100% OF THE FEDERAL-AID AND STATE "MARCHISELLI" PROGRAM-AID ELIGIBLE COSTS, OF A TRANSPORTATION FEDERAL-AID PROJECT, AND APPROPRIATING FUNDS THEREFORE

WHEREAS, a project for the Walkable Olean Phase II, P.I.N. 576236 (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 80% Federal funds and 20% non-federal funds; and

WHEREAS, the City of Olean desires to advance the Project by making a commitment of 100% of the non-federal share of the costs;

NOW, THEREFORE, 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 shares of the cost of \$1,127,565.25 work for the Project or portions thereof; and it is further

RESOLVED, that the sum of \$581,913 is hereby appropriated and made available to cover the cost of participation in the above phase of the Project; and it is further

RESOLVED, that in the event the full federal and non-federal share costs of the project exceeds the amount appropriated above, 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, that this Resolution is effective immediately.

ROLL CALL, AYES ALL. MOTION CARRIED.

RESOLUTION #57-20

PL #NONE

By Aldermen Gonzalez, Witte, Panus, Dougherty, Crawford, and Anastasia

RESOLUTION CONFIRMING THE MAYORAL APPOINTMENT OF VERNON ROBINSON, JR AS WARD 6 ALDERMAN

RESOLVED, that the Common Council confirms the Mayoral appointment of Vernon Robinson, Jr. as Ward 6 Alderman.

RESOLVED, that this Resolution is effective immediately.

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ROLL CALL, AYES ALL. MOTION CARRIED.

ADJOURNMENT

*Motion to adjourn was made by Alderman Gonzalez, seconded by Alderman Crawford.
Voice vote, ayes all. Motion carried. Meeting adjourned at approximately 8:10 p.m.*

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, 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.*

Lens Martial, City Clerk