

Journal of Proceedings

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

August 11, 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, August 11, 2020 at 7:40 p.m.

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

ABSENT: *Aldermen Robinson and Anastasia*

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

Alderman Gonzalez explained that this meeting is dedicated to former Alderman, Council President, City Employee and outstanding Olean citizen Jim Finch who recently passed away.

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 July 28, 2020 Regular Meeting was made by Alderman Gonzalez, seconded by Alderman Witte. Voice vote, ayes all. Motion carried.

COMMITTEE REPORTS & UNFINISHED COUNCIL BUSINESS

Report from Committee of the Whole on PL #44-20, 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. Committee recommends approval. Referred to City Attorney for Resolution.

Report from Committee of the Whole on PL #45-20 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. Committee recommends approval. Referred to City Attorney for Resolution.

Report from Committee of the Whole on PL #46-20, 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. Committee recommends approval. Referred to City Attorney for Resolution.

COMMUNICATIONS FROM THE MAYOR

Proclamation for Fair Housing Month

MISCELLANEOUS COMMUNICATIONS

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None

CITY OFFICIAL REPORTS

Monthly Report of the City Auditor – month ended July 2020

PROPOSED LEGISLATION AND REFERRALS

PL #43-20: (Aiello) To amend the City of Olean Code of Ordinances Section 24-151 to authorize two hour parking in the thirteen (13) designated spaces on the east side of North First Street from West State Street to Laurens Street. Referred to Committee of the Whole Tuesday, August 25, 2020 by Council President.

PL #44-20: (Aiello) To authorize the Mayor to sign and submit an 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. Referred to Committee of the Whole Tuesday, August 11, 2020 by Council President.

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. Referred to Committee of the Whole Tuesday, August 11, 2020 by Council President.

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. Referred to Committee of the Whole Tuesday, August 11, 2020 by Council President.

PL #47-20: (Dougherty) To amend the City of Olean Code of Ordinances Section 5-1, subsection (4) to prohibit roosters and to cap the number of chickens to be kept per premises to twelve (12). Referred to Strategic Planning Committee by Council President.

PUBLIC COMMENT/INPUT

Alderman Crawford explained that he would also like to offer condolences to the family of Jim Finch. He explained that he was the former Alderman of his ward, and he had a great sense of humor. He explained that he helped with rebuilding and painting homes even in his retirement years, and always said not to let party politics get in the way because we are all working towards the same goal.

Alderman Dougherty explained that he regrets never meeting Mr. Finch, and added condolences to the family of Mary Ann McCarthy, who volunteered often at the library and with the Olean Theater Workshop.

Pat St. Ginnis of 309 North 5th Street explained that his neighbor, Mickey, has lived on his block longer than almost anyone there, and is the lifeblood of his neighborhood. He explained that she is a friendly face and a surrogate grandmother to all of the kids on his block. He explained that within a week through no fault of her own, she is going to be homeless because her absentee landlord didn't pay taxes on her house, or 79 others going up for sale. He explained that the City does need to crack down on delinquent taxes and reclaim properties, but the way things work now with turning things over to the County Treasurer are causing us to lose sight of one of the most important things. He explained that if there is no one here to live in houses, then what good are neighborhoods. He explained that they have contacted Senator George

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Borello, who is doing everything he can, but that is not much. He explained that the City needs to consider foreclosing on our City taxes ourselves and turning these houses over to the housing department so tenants don't lose homes at no fault of their own. He explained that this would also help with issues of a lack of affordable housing and homelessness. He explained that in Utah, the state has begun giving vacant houses to the homeless. This is not a political issue, but a human rights issue.

Jay Sorokes of 808 Main Street and 121 East Arland Avenue explained that he was not contacted regarding the project in his neighborhood. He explained that on July 23, 2020, his neighbor called him over to meet with Bob Ring for the first time. He explained that he was handed a paper and project map that had all of the wrong property owners associated with the properties surrounding East Arland. He explained that he was not notified about the project until this time. He thanked the City for removing the towner which was basically two feet from the property line and would block access to his property. He explained that in the future the City needs to do more to notify residents. He explained that he has never seen a survey of the City property and if he was going to build a structure, to protect the City's liability he would have a survey done. He follows Codes and he expects the same of the City. He also has not heard anything about the decibel level of the generator and there is no sound barrier. He explained that it is important to him to have more notice than just a couple of weeks, and that this has been very discouraging because he expects more from the City.

Joe Wolcott of 806 Main Street thanked the public servants present tonight, and explained that he is here to appeal to the objectivity and formal decency of the Council members. He explained that there are short and long term effects associated with this building project. From the offset the level of communication between the City and taxpayers has been insufficient. He appreciates that Mr. Ring and Mayor Aiello have since met with the neighborhood, but the first documented City-initiated contact was made July 23, 2020. He explained that he has spoken with different people and has heard different things about this project. He explains that this seems like a haphazard approach to a project that will disturb so much land, and environmental deterioration is possible with the proposed pump station. He also understands that the DPW Director did the environmental review but he explained that this seems like a conflict of interest and it seems that an independent third party should do this review. He is also concerned about CO2 emissions and noise pollution. He explained that there is loss of trees and wildlife habitat associated with this property, and there are property value concerns from the residents. Property values are already affected by water runoff. He explained that his main point of contention has always been a lack of communication, as well as a loss of property values, and why this is called the Stardust Pump Project when it is occurring on Main Street.

Jim Sorokes of 805 Main Street explained that he is an engineer and he is pretty familiar with some of this type of work. He explained that he looked at the plans for the building and didn't see anything that would be surrounding the pump or generator. He explained that the current pump is buried, and the new one will be above ground so sound will transmit easier into the surrounding neighborhood. He explained that he has been in this neighborhood just shy of 40 years and it is a quiet neighborhood. He explained that a generator starting once a week and an above ground pump will cause noise pollution. He explained that he is looking for assurances that this will be as quiet as it possibly can be and right now he doesn't feel like he has that.

Leo Walters Tejera of 302 North Ninth Street explained that it is crazy that we get this much passion and information about a pump, but less about human life. He explained that he is happy to see Alderman Panus here, because he was not here for the other meetings about racial equality. He is concerned deeply about the proposal for the Equity and Inclusion Committee because it does not provide structure. He explained that they have asked repeatedly that this be a priority for the City. We need to stand

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up for human rights at the end of the day. He explained that it seems that all they get is legal gatekeeping. We are all people and have spouses and kids and bills, and he doesn't want another opinion from Mayor Aiello. We need a group of people who are a representation of diversity. He explained that if we want to say we support Black Lives Matter, which is a statement of fact, not a movement that we need to put our money where our mouths are. They are asking for a collaborative body that has power and intention that is intentionally diverse.

Ty Malone of 203 North 11th Street explained that one of the problems with the City is that representatives don't talk to the community. He explained that any time projects are going on, that the community needs to be involved. He asked if anyone has ever thought of speaking to Amazon about using the mall as a fulfillment center and using the airport for shipping purposes. Mayor Aiello explained that this idea has been discussed, and Mr. Malone asked who comes up with these ideas. Mayor Aiello responded that the IDA and CEO Alliance do, as well as the City's Community Development department. Mr. Malone explained that he feels that a diversity committee will help this cause.

Jane Wolcott of 806 Main Street asked that the Council come to the neighborhood to see the yards and what residents are dealing with. She explained that she has brought photos of some of the most pristine yards in the neighborhood, which she is leaving with the Council so they can see what is going to be destroyed. She asked that the Council please consider saving their neighborhood.

Evelyn Welka of 789 Main Street explained that this is more than just a pump project to the neighborhood, and she doesn't know if the Council understands that. She explained that this is a neglected paper street that the City walked away from 50 years ago. When it rains, the rain hits the angled road and travels to people's yards. She explained that people have spent thousands of dollars on their yards to try to fix these drainage issues. Property values have been affected for years. She is a part of a great community. She asked that the project be paused and work with the engineer to find a different option. She explained that the neighborhood has not been reached out to and this has not been discussed until now. She added that there is another project occurring on the other end of Main Street, and the residents will be landlocked due to the construction. She explained that if the neighborhood was informed of this project before, they would have been here before. She hopes that the Council is smarter than all of this and that they do the right thing, and involve the right people in the process.

Sally McComes of 714 Main Street explained that there have been a couple of things that have struck her since she first heard about this. Stardust is up the hill, and she doesn't know why this is being called the Stardust Project. She never would have known that this was going on. She explained that Walkable Olean Phase II is kicking off as well, which means that there would be two projects ongoing on Main Street at the same time. She doesn't want to see the congestion issues that she is afraid this could cause. She explained that it amazes her that the City would have these two projects going on at once. She explained that she understands that COVID has delayed the project, and it has delayed everything in the country. She feels that these are extenuating circumstances and that the funding source should be understanding and shouldn't take away funding because of project delays, especially due to COVID.

Judy Lee Suda of 802 Main Street explained that she lives there with her 98 year old father and she moved there 51 years ago. She explained that when her parents bought the property they were told that the driveway area was a paer street and they received permission from the Department of Public Works to pave the driveway because the department told them that it would never be used. She explained that Mr. Ring claims that notice was given in 2017 and she would love to know even one person who was notified in 2017. She explained that she received a letter in 2018 in the winter stating that she would need to move her shed because they are going to put in a new water

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pump on the hill. She explained that the current pump never bothered them, and they never heard a thing. She called DPW and let them know that she could not move the shed at the time because it was the middle of winter. She explained that time passed and she hadn't heard anything, until she looked out her front door and saw a group of men who told her they were bidding on a contract. She explained that she knew she was going to lose her driveway, but knew nothing about the shrubbery, trees, building, tower, or generator. She explained that no one in her neighborhood received notice in 2017. She explained that Dennis Cornell of Benson Construction came to her home and told her that they received the contract, and that he felt that the City wasn't telling the residents how huge of a contract this really is. She explained that she had no idea what a huge project this was going to be.

FINANCE / BILLS

None

RESOLUTIONS

RESOLUTION #52-20

PL #37-20

By Alderman Dougherty, Seconded by Alderman Panus

**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**

RESOLVED, that the City of Olean Code of Ordinances Section 5-1, subsection (4), is hereby amended as follows:

- (4) Fowl may be maintained within the limits of the City only if securely confined in an enclosure maintained in a clean, dry, sanitary manner. Such enclosure must be at least 20 feet from any dwelling other than the applicant's dwelling or accessory structure and five feet from any adjoining property line, without the express written consent of the abutting property owner allowing a waiver of said setback requirements. Food and water shall be provided in suitable containers and cleaned daily to prevent decay and attraction of flies or other insects.

RESOLVED, that this Resolution is effective immediately.

**ROLL CALL, AYES ALL EXCEPT ALDERMAN WITTE, WHO VOTED NAY.
MOTION CARRIED.**

RESOLUTION #59-20

PL #44-20

By Alderman Witte, Seconded by Alderman Dougherty

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

WHEREAS, the New York State Urban Forestry Council, through the Department of Environmental Conservation, has announced available funding for communities to plant large specimen trees or a grove of trees in a prominent location within the community; and

WHEREAS, eligibility requirements include that applicant communities must have been a Tree City USA for at least the past five years, and can apply for up to \$1,000 in funding; and

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WHEREAS, the City of Olean meets the necessary eligibility requirements for this reimbursement grant and desire to apply for funding;

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Olean authorizes 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.

RESOLVED, that this Resolution is effective immediately.

ROLL CALL, AYES ALL. MOTION CARRIED.

RESOLUTION #60-20

PL #45-20

By Alderman Panus, Seconded by Alderman Dougherty

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

WHEREAS, the City of Olean is desirous of undertaking an Airport Runway 4-22 Rehabilitation Project; and

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

WHEREAS, said Design phase of the 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 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 issues a Negative Declaration.

RESOLVED, that this Resolution is effective immediately.

ROLL CALL, AYES ALL EXCEPT ALDERMAN CRAWFORD, WHO VOTED NAY. MOTION CARRIED.

RESOLUTION #61-20

PL #46-20

By Alderman Panus, Seconded by Alderman Dougherty

THAT THE COMMON COUNCIL AS LEAD AGENCY CONCLUDES THAT THE AIRPORT SRE BUILDING PAVEMENT REHABILITATION DESIGN PHASE IS A TYPE II ACTION AND THAT

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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 an Airport SRE Building Pavement Rehabilitation Project; and

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

WHEREAS, said Design phase of the 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 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 issues a Negative Declaration.

RESOLVED, THAT THIS RESOLUTION IS EFFECTIVE IMMEDIATELY.

ROLL CALL, AYES ALL EXCEPT ALDERMAN CRAWFORD, WHO VOTED NAY. MOTION CARRIED.

RESOLUTION #62-20

NONE

By Alderman Gonzalez, Seconded by Alderman Dougherty

TO ESTABLISH THE EQUITY AND INCLUSION COMMITTEE

WHEREAS, the Council is desirous of creating a Committee with the purpose of making recommendations on City policy, practice, and procedure in order to ensure fair and equitable treatment for all of Olean's residents and City employees; and

WHEREAS, the Equity and Inclusion Committee will promote inclusion and engagement for all community members with respect to City policies and practices; and

WHEREAS, the Committee would identify and address inequalities facing under-represented populations in the Olean community;

NOW, THEREFORE, BE IT RESOLVED, that the Common Council hereby authorizes the creation of an Equity and Inclusion Committee to be appointed by the Mayor with the advice and consent of the Council.

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 Witte. Voice

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vote, ayes all. Motion carried. Meeting adjourned at approximately 8:45 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, 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