

# **Journal of Proceedings**

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

September 8, 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, September 8, 2020 at 6:35 p.m.*

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

**ABSENT:** *None*

**OFFICIALS:** *Mayor William Aiello; Lens Martial, City Clerk; Nicholas DiCerbo, Jr., City Attorney; Fred Saradin, City Auditor; Keri Kerper, Community Development Program Coordinator; Bob Ring, Director of Public Work; Tim Richardson, Fire Chief; 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 August 25, 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 #50-20, to authorize the Mayor to execute a Coordinating Partner – Public Transportation System Funding Agreement between the City of Olean, Cattaraugus County, NYSARC, Inc., Cattaraugus Niagara Counties Chapter d/b/a Intandem, St. Bonaventure University, Seneca Nation of Indians and City of Salamanca for OATS Bus Service for the fiscal year 2020-2021. Committee recommends approval. Referred to City Attorney for Resolution.*

***COMMUNICATIONS FROM THE MAYOR***

*Mayor Aiello commended the Department of Public Works, Police Department and Fire Department for the work that they did Monday during and after the wind storm. Mayor Aiello explained that four houses were damaged by trees and a lot of branches are down. He explained that the Front Street lot is open today from 9 a.m. to 7 p.m., tomorrow from 9 a.m. to 7 p.m. and Saturday from 9 a.m. to 3 p.m. for City residents with branches from the storm to dispose of over there. He explained that City crews are going around the City cleaning up, and there is still a lot more to do. He explained that we may have depleted the emergency tree fund so he may come to the Council for a request for additional funding from Contingency, so he will keep the Aldermen updated on that. He explained that he took a lot of calls today about trees. He noted that the City lot will be manned to make sure that there are no non-tree items thrown in, and to keep people from outside the community from coming in.*

***MISCELLANEOUS COMMUNICATIONS***

*None*

***CITY OFFICIAL REPORTS***

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## **PROPOSED LEGISLATION AND REFERRALS**

*PL #50-20: (Aiello) To authorize the Mayor to execute a Coordinating Partner – Public Transportation System Funding Agreement between the City of Olean, Cattaraugus County, NYSARC, Inc., Cattaraugus Niagara Counties Chapter d/b/a Intandem, St. Bonaventure University, Seneca Nation of Indians and City of Salamanca for OATS Bus Service for the fiscal year 2020-2021. Referred to Committee of the Whole Tuesday, September 8, 2020 by Council President.*

*PL #51-20: (Aiello) To authorize the transfer of funds from General Fund Contingency to line item 5110.412 for costs associated with Cleanup Week. Referred to Regular Meeting Tuesday, September 8, 2020 for Resolution by Council President.*

## **PUBLIC COMMENT/INPUT**

*Alderman Witte congratulated Officer Dan McGraw for receiving a New York State Award for Resource Officers, and explained that this says a lot about the City and the school system. Mayor Aiello added that Officer McGraw will be at the next Council meeting for recognition for this award.*

*Alderman Gonzalez explained that he conferred with the Mayor before the meeting, and the City did receive feedback from a number of candidates for the newly formed Diversity, Equity and Inclusion Committee. He explained that the committee has been chosen and the City we will be reaching out to members this week. Mayor Aiello thanked everyone for their input.*

*Ezra Johnson of 407 West Sullivan Street deferred his time to Ty Malone.*

*Ty Malone of 203 North 11<sup>th</sup> Street thanked the Council for allowing him to speak, and for the Mayor and the rest of the citizens present for giving up their time and for being engaged. He explained that he has heard for months how happy the Council is for people to be involved, but he hopes that the Council would also use these same involved citizens in their decision making. He explained that the only part of the process that the Council sees fit for participation is public comment every other week, and he explained that this is not truly community engagement. He explained that he has been trying to work with the Council and Mayor for close to five months to make Olean better, and he keeps hearing “government moves slow”. He commends the City on having the Diversity Committee done, but the Council only meets once a week and as far as the public knows that is the only committee that is done. He explained that he has expressed interest for both committees and his experiences make him a valuable asset for the Police Reform Committee. He explained that he has had both good and bad encounters with police that give him an experience that others cannot grasp. He hears that the City wants to take the time to do this right and if they do the committee will be diverse and include regular citizens as well as those who have been involved with law enforcement. He explained that he is not pressing these committees because he wants to be on them but because it is sad that systemic racism forces us to have these committees. He explained that part of the problem is accountability and he is trying to hold responsible parties accountable. He explained that last week he refused to leave for executive session when the Council refused to make people wear masks, and the Council has a lack of respect for the law. If the Council did their job correctly he would not have to respond in that fashion. He explained that whenever he comes to the Council with a problem he also offers solutions. He was not a part of the citizens that the council wanted to respond with intent for these committees but he’s what they got. He explained that for the last 40 years he has lived in a world with the deck stacked against him, and his people have only had civil rights for the past 56 years. He explained that the Council needs to realize that we need to work together, and if*

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*they do then we can work together to make Olean a great place. Olean doesn't need to be made great again, but made greater than ever.*

*Mickey George of Ward 3 asked if the Police Reform Committee has been established, and if the City has held any interviews and filled positions as previously stated. He asked how many of the Aldermen have read the 139 page police reform workbook put out by the Governor. He explained that when we began discussing all this a resolution was put forth and the Council didn't understand the accusations of the words being toothless. He asked if residents are used to words being used for placation in the past, and explained that they will not be placated. He explained that he is putting out a call to all community leaders in New York that they are available and ready to help.*

## **FINANCE / BILLS**

*None*

## **RESOLUTIONS**

### **RESOLUTION #65-20**

#### **PL #47-20**

By Alderman Dougherty, Seconded by Alderman Witte

**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)**

**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. The maximum number of fowl to be kept per premises is twelve (12), and roosters are prohibited within the limits of the City of Olean. 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. MOTION CARRIED.**

### **RESOLUTION #67-20**

#### **PL #50-20**

By Alderman Witte, Seconded by Alderman Dougherty

**TO AUTHORIZE THE MAYOR TO EXECUTE A COORDINATING PARTNER – PUBLIC  
TRANSPORTATION SYSTEM FUNDING AGREEMENT BETWEEN THE CITY OF OLEAN,  
CATTARAUGUS COUNTY, NYSARC, INC., CATTARAUGUS NIAGARA COUNTIES  
CHAPTER D/B/A INTANDEM, ST. BONAVENTURE UNIVERSITY, SENECA NATION OF  
INDIANS AND CITY OF SALAMANCA FOR OATS BUS SERVICE FOR THE FISCAL YEAR  
2020-2021**

**WHEREAS**, the New York State Department of Transportation (NYSDOT) provides financial assistance to public transportation operations to enhance the mobility of all residents in New York State;

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**WHEREAS**, Federal law requires coordination between private, non-profit, and public transportation providers and other Federal programs for certain Federal Transit Administration funding programs;

**WHEREAS**, there is recognition of the need to distribute the operating costs of coordinated transportation systems in a rational and fair manner among these coordinating partners;

**WHEREAS**, allocations of operating data such as passenger utilization, miles of service or utilization of services attributed to partnering agencies may provide the basis for the distribution of operating costs among partners;

**WHEREAS**, the financial contribution from coordinating partners for the operation of Olean Area Transit System (OATS) service will be based on a review of projected system costs for the public transportation system operating year and assessed on the basis of coordinating transportation services to provide cost efficiency to the community;

**WHEREAS**, the estimated financial contribution will be budgeted and made available by the governing entity of the coordinating partner prior to the beginning of the public transportation system operating year;

**WHEREAS**, the financial contribution from partnering agencies will be reviewed, at least, semi-annually during the public transportation system operating year to consider actual operating data and projected costs to continue or to change the transportation services provided associated with this agreement;

**WHEREAS**, the calculated share of system costs associated with passenger utilization or total service miles may be reduced by the availability of financial commitments from other partner agencies to the operation of the OATS;

**WHEREAS**, such cost savings may result in a reduction to the financial contribution by a partner to the cost of shared services during fiscal year June 1, 2020 through May 31, 2021;

**WHEREAS**, the operation of the OATS system, modified as a result of the coronavirus pandemic, including the incorporation of certain public transportation services associated with St. Bonaventure University, system wide administration costs, is estimated to cost \$741,219.90 during fiscal year June 1, 2020 through May 31, 2021;

**WHEREAS**, the City of Olean has agreed to assume the responsibility to sponsor the operation of the OATS and has assumed the responsibility to make application and accept operating and capital grant assistance from the New York State Department of Transportation for such purpose;

**WHEREAS**, after review of operating projections and partner share proposals, the partners to the operation of the OATS agree to contribute the following partner shares to the operation of said system:

**WHEREAS**, the Cattaraugus County Department of Social Services (CCDSS) et al will contribute \$25,000.00 to the operation of the OATS in fiscal year ending May 31, 2021;

**Whereas**, the NYSARC Inc., Cattaraugus Niagara Counties Chapter, d/b/a Intandem, Inc., will contribute \$25,000.00 to the operation of the OATS in fiscal year ending May 31, 2021;

**WHEREAS**, the Seneca Nation of Indians will contribute \$26,328.91 to the operation of the OATS system in fiscal year ending May 31, 2021;

**WHEREAS**, the City of Salamanca will contribute \$15,000.00 to the operation of the OATS system in fiscal year ending May 31, 2021;

**WHEREAS**, the St. Bonaventure University will contribute \$28,031.49 to the operation of the OATS system in fiscal year ending May 31, 2021;

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**WHEREAS**, due to social distancing limitations associated with the coronavirus pandemic, the SBU late night service is not expected to operate in the fiscal year ending May 31, 2021, if social distancing limitations improve and late night bus service can operate, SBU will pay for the operation of late night service based on the number of hours that such service that is provided;

**WHEREAS**, the hourly rate for SBU late night service will be based on the hourly rate to operate buses owned by the third-party contract operator for the fiscal year ending May 31, 2021;

**Whereas**, the operation of public transportation services associated with St. Bonaventure University shall be in accordance with the provisions of Appendix A to this agreement;

**WHEREAS**, it is agreed that CCDSS, the NYSARC Inc., Cattaraugus Niagara Counties Chapter, d/b/a Intandem, Inc., the Seneca Nation of Indians, St. Bonaventure University and City of Salamanca agree to provide financial contributions to the OATS during fiscal year June 1, 2020 through May 31, 2021;

**NOW THEREFORE BE IT RESOLVED**, that the Mayor, City of Olean, is authorized to execute a Coordinating Partner-Public Transportation System Funding Agreement between the City of Olean, Cattaraugus County, NYSARC Inc., Cattaraugus Niagara Counties Chapter, d/b/a Intandem, St. Bonaventure University, Seneca Nation of Indians and City of Salamanca for OATS bus service for the fiscal year 2020-2021 subject to the approval of the City of Olean Attorney.

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

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

## **RESOLUTION #68-20**

### **PL #51-20**

By Alderman Dougherty, Seconded by Alderman Anastasia

#### **RESOLUTION AUTHORIZING THE TRANSFER OF FUNDS FROM GENERAL FUND CONTINGENCY TO LINE ITEM 5110.412, RESURFACING AND STREET MATERIALS, FOR COSTS ASSOCIATED WITH CLEANUP WEEK**

**RESOLVED**, that the following transfer be authorized for costs associated with Cleanup Week:

<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>\$4,103</i>	
<i>A-01-5-5110.412</i>	<i>Maintenance of Streets – Resurfacing and Street Materials</i>		<i>\$4,103</i>

**BE IT FURTHER 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 Crawford.  
Voice vote, ayes all. Motion carried. Meeting adjourned at approximately 6:55 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*