

Journal of Proceedings

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

October 13, 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, October 13, 2020 at 6:30 p.m.

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

ABSENT: *Alderman Panus*

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; Jim Theodore, Fire Captain,, 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 September 22, 2020 Regular Meeting was made by Alderman Gonzalez, seconded by Alderman Witte. Voice vote, ayes all. Motion carried.

COMMITTEE REPORTS & UNFINISHED COUNCIL BUSINESS

None

COMMUNICATIONS FROM THE MAYOR

Mayor Aiello explained that there is a major fire in Yorkshire, and the City has sent their foam trailer with three firefighters to assist.

Special Proclamation for National Breast Cancer Awareness Month

Special Proclamation for Fire Prevention Month

MISCELLANEOUS COMMUNICATIONS

None

CITY OFFICIAL REPORTS

None

PROPOSED LEGISLATION AND REFERRALS

PL #56-20: (Aiello) To authorize the Mayor to execute an agreement with Lake Shore Paving, the lowest responsible bidder, for the Construction portion of the SRE Pavement Reconstruction Project at the Cattaraugus County – Olean Airport in the amount of \$247,957. Referred to Regular Meeting Tuesday, October 13, 2020 for Resolution by Council President.

PL #57-20: (Aiello) To authorize the execution and delivery of a Lease / Installment Purchase Agreement by the City of Olean in connection with the acquisition of Department

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of Public Works Equipment. Referred to Regular Meeting Tuesday, October 13, 2020 for Resolution by Council President.

PL #58-20: (Aiello) To authorize the transfer of Contingency funding from the 2020-2021 budget to line item 3120.235 for costs associated with the replacement of Dispatch computers. Referred to Regular Meeting Tuesday, October 13, 2020 for Resolution by Council President.

PL #59-20: (Witte) To authorize the granting of an easement of a portion of City-owned property to the owner of the property located at 113 East Arland Avenue (s/b/l 94.034-4-28) for the purposes of a landscape buffer and ingress/egress. Referred to Strategic Planning Committee by Council President.

PL #60-20: (Witte) To authorize the granting of an easement of a portion of City-owned property to the owner of the property located at 121 East Arland Avenue (s/b/l 94.034-4-26) to allow ingress and egress to the parcel. Referred to Strategic Planning Committee by Council President.

PL #61-20: (Crawford) To amend the City of Olean Code of Ordinances Chapter 12, Housing Code, to include Article VI, Short-Term Rental Registration and Licensing. Referred to Public Safety Committee by Council President.

PL #62-20: (Aiello) To authorize the granting of an easement of a portion of City-owned property to the owner of the property located at 122 Whitney Avenue (s/b/l 94.057-2-39) to allow ingress and egress to the parcel. Referred to Strategic Planning Committee by Council President.

PUBLIC COMMENT/INPUT

Alderman Crawford extended the Council's congratulations to Bob Clark from the Olean Times Herald for getting married yesterday.

Ty Malone of 203 North 11th Street asked if the airport is a public place, and where he can obtain a flight log. Alderman Gonzalez asked that Mr. Malone submit the question via email and they will get him an answer, as that is not something that he has access to at the immediate moment to provide. Mr. Malone explained that he met with the Mayor late summer, and he is disappointed with the Mayor and feels that he did not keep his word.

FINANCE / BILLS

None

RESOLUTIONS

Alderman Crawford explained that he can't sit here and not explain what exactly is at stake when it comes to the airport. He explained that the Federal budget is an absolute joke and the FAA is contributing to the trillions of dollars of debt. He explained that there is an airport in every direction fifty miles from here, and our usage shrinks every year. He explained that when we accept FAA grants, we enter into a contract, and we are currently losing \$100,000 a year at the airport. He explained that when the City enters into an agreement with the FAA, we are required to either keep the airport open for twenty years from the date of the agreement or pay the grant funds back. He explained that he would rather see the money we lose each year be spend on neighborhoods, streets and parks. He explained that we need to find more ways to fund the airport because the City's taxpayers shouldn't have to bear this cost. He cannot support this resolution because we have not found alternative sources of funding. He

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understands that we lose money in other departments, such as DPW, but these departments serve a much greater population of Olean than the airport does. He asked that the Council vote “no” until a sustainable plan can be put into place.

Alderman Dougherty explained that it is important that the City have the airport because it is the City’s largest asset. He explained that the airport aids in the City’s bond rating and helps us to obtain financing for other projects and items. Alderman Crawford responded by asking Alderman Dougherty to show that the airport is aiding the City in this way. He explained that he has data that shows that the City loses money every single year, and he would like to see data that our bond rating increases because of the airport.

Alderman Gonzalez explained that he is going to vote “yes”, but that doesn’t mean that he doesn’t agree with everything that Alderman Crawford said. He explained that if we vote this down, the City will still need to operate the airport for the next twenty years because of existing agreements in place. He explained that we need a plan in place, if we choose to stop accepting FAA funding that will get us to 2040. Alderman Crawford explained that unless our back is against the wall, we won’t be forced to make changes. Alderman Gonzalez explained that if the Council and City want to get out of the airport business, what do we do? He explained that we do not have the resources to pay back the grant funding. Alderman Crawford suggested making the airport sustainable, with more fundraisers and ways to offset losses.

Alderman Witte explained that she doesn’t think that anyone in the room is wrong, but she is very disappointed in the County. She explained that we have three legislators from the City there who should be pushing to get the City more than \$17,000 in funding a year from the County. She explained that the County says that the airport is an economic driver, but they aren’t helping with it.

Mayor Aiello explained that the City has requested a \$125,000 grant from the County for the airport. He explained that he has set up a meeting with the legislators from the City to discuss this. He explained that he has asked for help from the County with the airport every year and it keeps getting knocked down.

Alderman Anastasia explained that this has been an ongoing issue and that it seems like it won’t be going away, so he would like to schedule a work session just to discuss the airport. He explained that he would like to find out where the revenues and expenses are and see who is really using it in order to make educational votes in the future. He explained that they call it the “Cattaraugus County – Olean Airport”, and the County needs to step up financially.

Alderman Witte explained that in 2000, someone asked if they could do a flight school at the airport. She explained that the idea was shot down, and he has been in Bradford ever since. She explained that we need to get over ourselves and if someone is willing to help us out or try something new, we need to listen.

Alderman Crawford explained that there are alternatives to walking away. He explained that he has received a lot of feedback from community members. He likes the idea of a work session and the Council and City Officials coming together as a team to think outside the box and work together.

RESOLUTION #73-20

PL #56-20

By Alderman Dougherty, Seconded by Alderman Witte

**TO AUTHORIZE THE MAYOR TO EXECUTE AN AGREEMENT WITH LAKE SHORE PAVING,
THE LOWEST RESPONSIBLE BIDDER, FOR THE CONSTRUCTION PORTION OF THE SRE**

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PAVEMENT RECONSTRUCTION PROJECT AT THE CATTARAUGUS COUNTY – OLEAN AIRPORT IN THE AMOUNT OF \$247,957

WHEREAS, bids were received for required services for the Construction Observation portion of the SRE Pavement Reconstruction Project at the Cattaraugus County – Olean Airport with grant assistance from the Federal Aviation Administration (FAA) Airport Improvement Program (AIP) and the New York State Department of Transportation (NYSDOT); and

WHEREAS, after thorough review of bids received, it was determined that Lake Shore Paving is the lowest responsible bidder in an amount of \$247,957;

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Olean authorizes the Mayor to execute an agreement with Lake Shore Paving, the lowest responsible bidder, for the Construction portion of the SRE Pavement Reconstruction Project at the Cattaraugus County – Olean Airport in the amount of \$247,957.

RESOLVED, that this Resolution is effective immediately.

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

RESOLUTION #74-20

PL #57-20

By Alderman Anastasia, Seconded by Alderman Crawford

RESOLUTION DATED OCTOBER 13, 2020, AUTHORIZING THE EXECUTION AND DELIVERY OF A LEASE / INSTALLMENT PURCHASE AGREEMENT BY THE CITY OF OLEAN IN CONNECTION WITH THE ACQUISITION OF DEPARTMENT OF PUBLIC WORKS EQUIPMENT

WHEREAS, the City of Olean, Cattaraugus County, New York (the “City”) is a political subdivision of New York State (the “State”) and is duly organized and existing pursuant to the Constitution and laws of the State; and

WHEREAS, pursuant to applicable law, the Common Council of the City (the “Common Council”) is authorized to acquire, dispose of and encumber real and personal property including, without limitation, rights and interests in property, leases and easements necessary to the functions or operations of the City; and

WHEREAS, the City desires to undertake a project consisting of the acquisition of Department of Public Works equipment for use by the City (collectively, “Project Items”); and

WHEREAS, the appropriate officials of the City have evaluated, in cooperation with the City’s professional advisors, the advantages and disadvantages of lease/purchase financing as compared to the most similar type of financing available to the City under the Local Finance Law; and

WHEREAS, such officials have determined that lease/purchase financing through Key Government Finance, Inc. (“Key Government Finance”) presents the most attractive long-term option for the City under these circumstances, in that the City would be able to obtain an attractive fixed interest rate for the duration of the financing of the Project Items, without having to incur the annual expenses (and interest rate fluctuation risk) associated with the annual renewal of bond anticipation notes; and

WHEREAS, a determination as to the most advantageous method of long term financing under prevailing market conditions is set forth in a written analysis, as presented to the

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Common Council, prepared by Municipal Solutions, Inc., in its capacity as financial advisor to the City for this transaction; and

WHEREAS, Section 109(b) of the General Municipal Law of New York (the “Statute”) authorizes the City to enter into an installment purchase contract (whether in the form of a lease/purchase agreement, installment sale agreement or other similar agreement) and providing for periodic payments by the City for the purpose of financing such Project Items; and

WHEREAS, the lease/installment purchase agreement price proposal from Key Government Finance (the essential terms of which are described in the lease proposal from Key Government Finance transmitted to the City on or about September 11, 2020, as presented to the Common Council) was judged by City officials and the City’s professional advisors to be the most advantageous to the City, allowing the City to acquire the Project Items at the lowest total cost and under the most favorable arrangements; and

WHEREAS, under the terms of the Statute, the express written approval of the Common Council is a prerequisite to the entry by the City into any such lease/installment purchase agreement; and

WHEREAS, the Common Council is willing to proceed with this stated manner of financing of the Project Items, and is prepared to grant such approval;

NOW, THEREFORE, BE IT RESOLVED, by the Common Council (by the favorable vote of not less than two-thirds of all the members of the Common Council) acting on the basis of (a) the analysis of Municipal Solutions, Inc., as presented to the Common Council, and (b) the lease proposal of Key Government Finance, as presented to the Common Council (the “Key Government Finance Proposal”), hereby authorizes and approves in all respects the entry by the City into lease/purchase financing arrangements with Key Government Finance at an estimated aggregate maximum amount not to exceed \$144,590.00 for a five-year term, under the interest rate arrangements as set forth in Key Government Finance Proposal, and otherwise on the general terms and pursuant to the documents described in the Key Government Finance Proposal, subject to final review and approval by appropriate City officials and by the City’s bond counsel, for the financing of the City’s acquisition of the Project Items, all pursuant to the provisions of Section 109(b) of the Statute; and be it further

RESOLVED, that the acquisition of objects or purposes described in subdivision 28 of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of such objects or purposes is 10 years; and be it further

RESOLVED, that the City anticipates that the actual length of financing authorized by this Resolution will be five years; and be it further

RESOLVED, that the Common Council approves of the form of the financing documents for such transaction (including, without limitation, the documents generally described in or contemplated by the Key Government Finance Proposal) (collectively, the “Documents”), and authorizes and directs the City’s execution, delivery and performance of the Documents subject to the provisions of Section 109(b) of the Statute; and be it further

RESOLVED, that the funds, if any, appropriated under the City’s budget for the fiscal year of the City commencing June 1, 2021 for the repayment of obligations to be issued to finance the acquisition of the Project Items be, and they hereby are, dedicated to the repayment of the City’s obligations created under the Documents; and be it further

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RESOLVED, that the City Auditor, as Chief Financial Officer of the City, is hereby authorized and directed to execute and deliver the Documents (with such amendments, additions or alterations as may, in the discretion of the City Auditor, be deemed appropriate); and be it further

RESOLVED, that the Auditor, the Mayor and other appropriate City officials are hereby authorized and directed to proceed with the implementation of all steps reasonably necessary and appropriate to allow for the City’s entry into such described lease/installment purchase arrangement, so that the City’s acquisition of the Project Items on financing terms satisfactory to the City may be expedited; and be it further

RESOLVED, that the City Auditor is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the obligation(s) created under the Documents and authorized by this Resolution as excludable from gross income for federal tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the “Code”) and to designate such obligation(s) authorized by this Resolution as a “qualified tax-exempt obligation(s)” in accordance with Section 265(b)(3)(B)(i) of the Code; and be it further

RESOLVED, that the City has determined that the acquisition of the Project Items is an action that will not have a significant effect on the environment and, therefore, no other determination or procedures under the State Environmental Quality Review Act (“SEQR”) is required; and be it further

RESOLVED, that any financing of the City is to be undertaken in accordance with the provisions of the special deficit financing legislation applicable to the City, being Chapter 331 of the 2007 Laws of New York, as amended by Chapter 127 of the 2008 Laws of New York and as further amended by Chapter 147 of the 2009 Laws of New York (as so amended, the “Deficit Financing Statute”); and be it further

RESOLVED, that this Resolution shall be effective immediately, and the City Clerk shall enter this Resolution into the official minutes of the Common Council.

ROLL CALL, AYES ALL. MOTION CARRIED.

RESOLUTION #75-20

PL #58-20

By Alderman Witte, Seconded by Alderman Dougherty

**RESOLUTION AUTHORIZING THE TRANSFER OF FUNDS FROM GENERAL FUND
CONTINGENCY TO LINE ITEM 3120.235, POLICE DEPARTMENT – COMMUNICATIONS
EQUIPMENT, FOR COSTS ASSOCIATED WITH THE REPLACEMENT OF DISPATCH
COMPUTERS**

RESOLVED, that the following transfer be authorized for costs associated with the replacement of Dispatch computers:

<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>\$6,650.00</i>	
<i>A-01-5-3120.235</i>	<i>Police Department – Communications Equipment</i>		<i>\$6,650.00</i>

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