

Journal of Proceedings

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

October 27, 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 27, 2020 at 6:45 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; Keri Kerper, Community Development Program Coordinator; Bob Ring, Director of Public Works; Jeff Rowley, Police Chief, 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 October 13, 2020 meeting was made by Alderman Gonzalez, seconded by Alderman Dougherty. Voice vote, ayes all. Motion carried.

COMMITTEE REPORTS & UNFINISHED COUNCIL BUSINESS

Report from Public Safety Committee on PL #49-20, to amend the City of Olean Code of Ordinances Chapter 15, Noise. Committee recommends approval. Referred to City Attorney for Resolution.

Report from Public Safety Committee on PL #59-20, 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. Committee recommends approval. Referred to City Attorney for Resolution.

Report from Public Safety Committee on PL #60-20, 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. Committee recommends approval. Referred to City Attorney for Resolution.

Report from Public Safety Committee on PL #62-20, 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. Committee recommends approval. Referred to City Attorney for Resolution.

Report from Committee of the Whole on PL #64-20, to authorize the transfer of \$24,393.62 of uncommitted program income from New York State administered CDBG grants currently on hand from the First Time Homebuyer Account to line item 3650.441, Demolition of Unsafe Buildings. Committee recommends approval. Referred to City Attorney for Resolution.

Report from Committee of the Whole on PL #65-20, to authorize the extension of currently issued Sidewalk Café Permits to April 30, 2021. Committee recommends approval. Referred to City Attorney for Resolution.

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Report from Committee of the Whole on PL #66-20, to authorize the Mayor to enter into an Intermunicipal Agreement with the Town of Olean for the Indiana Avenue Sewer District. Committee recommends approval. Referred to City Attorney for Resolution.

COMMUNICATIONS FROM THE MAYOR

Mayor Aiello explained that he would like everyone to know that he is still working on Executive Order 203 from Governor Cuomo regarding the creation of a Police Committee. He explained that this must be done, with a plan in place and submitted to the Governor's Office, by April 1, 2021. He explained that he has received letters of interest and has reached out to stakeholders in the community. He anticipates appointing the committee at the next Council meeting.

MISCELLANEOUS COMMUNICATIONS

None

CITY OFFICIAL REPORTS

Monthly Report of the City Auditor, month ended September 2020

PROPOSED LEGISLATION AND REFERRALS

PL #63-20: (Crawford) To authorize the installation of "BUMP" signage, as well as an Advisory Speed Plaque, to signal a sunken bridge joint on Route 16 near the roundabout. Referred to Regular Meeting Tuesday, October 27, 2020 for Resolution by Council President.

PL #64-20: (Aiello) To authorize the transfer of \$24,393.62 of uncommitted program income from New York State administered CDBG grants currently on hand from the First Time Homebuyer Account to line item 3650.447, Demolition of Unsafe Buildings. Referred to Committee of the Whole Tuesday, October 27, 2020 by Council President.

PL #65-20: (Aiello) To authorize the extension of currently issued Sidewalk Café Permits to April 30, 2021. Referred to Committee of the Whole Tuesday, October 27, 2020 by Council President.

PL #66-20: (Aiello) To authorize the Mayor to enter into an Intermunicipal Agreement with the Town of Olean for the Indiana Avenue Sewer District. Referred to Committee of the Whole Tuesday, October 27, 2020 by Council President.

PL #67-20: (Dougherty) To amend the City of Olean Code of Ordinances Section 24-134 to prohibit parking on a portion of the east side of the 300 block of North Third Street. Referred to Public Safety Committee by Council President.

PL #68-20: (Witte) To amend the City of Olean Code of Ordinances Section 24-81 to include a 20 mph speed limit on portions of Main Street and Hamilton Avenue while school is in session. Referred to Public Safety Committee by Council President.

PL #69-20: (Witte) To authorize the installation of school zone, speed reduction and pedestrian crossing signs on Main Street and Hamilton Avenue in the vicinity of the Boardmanville School building. Referred to Public Safety Committee by Council President.

PL #70-20: (Aiello) To approve and adopt the updated Section 504 Americans with Disabilities Act Plan, and to designate Keri Kerper as the ADA Coordinator for the City of Olean. Referred to Regular Meeting Tuesday, October 27, 2020 for Resolution.

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PUBLIC COMMENT/INPUT

Alderman Crawford explained that, as many of the Aldermen are aware, three of the Welcome to Olean signs that are around the City have been vandalized. He explained that he reached out to the Chamber of Commerce as they are the ones responsible for the signs, and they expressed that the signs would not be fixed for a while until a fundraiser can be done in the spring. He explained that a local businessman and himself put together a Go Fund Me and as to today over \$3,500 has been raised to fix the signs. He explained that with extra support from businesses, they can try to add some lighting to illuminate the signs at night. If nothing else, this spurs some Olean pride. He explained that it took his breath away to see the community come together on something like this. He explained that all of the money from the Go Fund Me is being given to the Chamber of Commerce to get the signs repaired as quickly as possible. Hopefully the Mayor and Police Chief will be able to find out who damaged them. Money can be donated to the Go Fund Me or directly to the Chamber of Commerce.

Ty Malone of 203 North 11th Street explained that he did not appreciate being stopped when he came into the building for not wearing a mask, when two of the Aldermen are not wearing masks. Alderman Gonzalez explained that the Ward 2 and Ward 4 Aldermen are not his Aldermen, or the Mayor's Aldermen. He explained that if the public are not happy with them, then they will need to reflect that at the ballot box. Mr. Malone explained that he is here to help whether the Council wants his help or not. It is his right to be here.

Mickey George of Ward 3 thanked the Mayor for the update on Executive Order 203. He explained that the Noise Ordinance proposal contains a number of issues that can unrightfully target people of color. He explained that things like music and celebration really can help create a community experience. He explained that the Governor has asked for new ways to police the community, and he doesn't feel that sending officers to the scene for a \$100 ticket for doing everyday things that create noise is a good way to police the community. He disagrees that the fines cannot be changed or reduced. He asked the Council to keep this in mind and bring it back up for discussion after the new Police Committee is formed. He explained that there is a lot of information out there on the topic, and the City should look at available resources and wait until things have been talked about further.

FINANCE / BILLS

By Alderman Dougherty, Seconded by Alderman Witte

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 the City of Olean totaling \$1,259,310.05 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

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

A motion to amend the agenda to include Resolution #84-20 was made by Alderman Gonzalez, seconded by Alderman Witte. Voice vote, ayes all. Motion carried.

RESOLUTION #77-20

PL #59-20

By Alderman Witte, Seconded by Alderman Crawford

TO AUTHORIZE THE EXECUTION OF AN EASEMENT AGREEMENT BETWEEN THE CITY AND THE LANDOWNER OF TAX PARCEL 94.034-4-28

WHEREAS, the City of Olean ("City") has the legal right in and to the real property comprising and described as Arland Avenue, a paper street; and

WHEREAS, Jeffrey Wolcott and Jane Wolcott ("Owners") are the owners of the real property identified as 113 Arland Avenue which is further identified as tax parcel 94.034-4-28, said parcel is a vacant residential lot immediately appurtenant to Arland Avenue; and

WHEREAS, the above property owners are desirous of an easement into Arland Avenue for the purpose of maintaining their garden which it is currently is encroaching onto the City property known as Arland Avenue; and

WHEREAS, the granting of the easement is in the best interests of the City and the City is desirous in granting said easement; and

NOW, THEREFORE, BE IT RESOLVED, that the Common Council hereby directs and authorizes the Mayor to execute deliver an easement agreement between the City and the Owners for the encroachment into and the ingress and egress across Arland Avenue for the sole purpose of access and maintenance of their garden; and

BE IT FURTHER RESOLVED, that said easement is in the best interests of the City and shall be in a form and manner as the City Attorney proscribes; and

BE IT FURTHER RESOLVED THAT the City will be responsible for the recording costs of the conveyance, not to exceed \$300.00.

RESOLVED, that this Resolution is effective immediately.

ROLL CALL, AYES ALL. MOTION CARRIED.

RESOLUTION #78-20

PL #60-20

By Alderman Witte, Seconded by Alderman Crawford

TO AUTHORIZE THE EXECUTION OF AN EASEMENT AGREEMENT BETWEEN THE CITY AND THE LANDOWNER OF TAX PARCEL 94.034-4-26

WHEREAS, the City of Olean ("City") has the legal right in and to the real property comprising and described as Arland Avenue, a paper street; and

WHEREAS, Joseph Sorokes and Ann Sorokes ("Owners") are the owners of the real property identified as 121 Arland Avenue which is further identified as tax parcel 94.034-

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4-26, said parcel is a vacant residential lot immediately appurtenant to Arland Avenue; and

WHEREAS, the above property owners are desirous of an easement across Arland Avenue for the purpose of ingress and egress to their vacant residential lot identified as 121 Arland Avenue; and

WHEREAS, the granting of the easement is in the best interests of the City and the City is desirous in granting said easement; and

NOW, THEREFORE, BE IT RESOLVED, that the Common Council hereby directs and authorizes the Mayor to execute deliver an easement agreement between the City and the Owners for the ingress and egress across Arland Avenue for the sole purpose of access to their vacant residential parcel; and

BE IT FURTHER RESOLVED, that said easement is in the best interests of the City and shall be in a form and manner as the City Attorney proscribes; and

BE IT FURTHER RESOLVED THAT the City will be responsible for the recording costs of the conveyance, not to exceed \$300.00.

RESOLVED, that this Resolution is effective immediately.

ROLL CALL, AYES ALL. MOTION CARRIED.

RESOLUTION #79-20

PL #62-20

By Alderman Dougherty, Seconded by Alderman Witte

TO AUTHORIZE THE EXECUTION OF AN EASEMENT AGREEMENT BETWEEN THE CITY AND THE LANDOWNER OF TAX PARCEL 94.057-2-39

WHEREAS, the City of Olean ("City") has the legal right in and to the real property comprising and described as Whitney Avenue Parklet, ("Park") a park located on Whitney Avenue; and

WHEREAS, Leslie Hamer and Patricia Hamer ("Owners") are the owners of the real property identified as 122 Whitney Avenue ("Premises") and further identified as tax parcel 94.057-2-39, said parcel a multifamily dwelling unit is located immediately adjacent to the Park; and

WHEREAS, the Premises encroaches onto the lands of the City immediately adjacent to the east boundary line of the Premises and west premises of the Park; and

WHEREAS, on May 2, 1990, the previous owner of the premises was granted an easement onto the lands of the City for the purpose of ingress and egress which has since expired; and

WHEREAS, the current owner of the property is desirous of continuing said easement; and

WHEREAS, the City is desirous to grant said easement and that the granting of the easement does not interfere with the City's use of the land as a Park and is in the best interests of the City; and

NOW, THEREFORE, BE IT RESOLVED, that the Common Council hereby directs and authorizes the Mayor to execute deliver an easement agreement between the City and the

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Owners and or their heirs or assigns, for the ingress and egress across the lands of the City.

BE IT FURTHER RESOLVED, that said easement is in the best interests of the City and shall be in a form and manner as the City Attorney proscribes; and

BE IT FURTHER RESOLVED THAT the Owner will be responsible for the recording costs of the conveyance.

RESOLVED, that this Resolution is effective immediately.

ROLL CALL, AYES ALL. MOTION CARRIED.

RESOLUTION #80-20

PL #63-20

By Alderman Crawford, Seconded by Alderman Gonzalez

TO AUTHORIZE THE INSTALLATION OF “BUMP” SIGNAGE, AS WELL AS AN ADVISORY SPEED PLAQUE, TO SIGNAL A SUNKEN BRIDGE JOINT ON ROUTE 16 NEAR THE ROUNDABOUT

RESOLVED, that the Common Council authorizes the Department of Public Works to install “BUMP” signage, as well as an Advisory Speed Plaque, to signal a sunken bridge joint on Route 16 near the roundabout.

RESOLVED, that this Resolution is hereby effective immediately.

ROLL CALL, AYES ALL. MOTION CARRIED.

RESOLUTION #81-20

PL #64-20

By Alderman Witte, Seconded by Alderman Anastasia

RESOLUTION AUTHORIZING THE TRANSFER OF FUNDS FROM THE FIRST TIME HOMEBUYER ACCOUNT TO LINE ITEM 3650.447

RESOLVED, that the following transfer of uncommitted program income from New York State administered CDBG grants currently on hand be authorized for costs associated with the demolition of unsafe buildings.

<u>Account</u>	<u>Description-General</u>	<u>Transferred</u>	<u>from</u>
	<u>Transferred to</u>		
CB1-1-200.000	First Time Homebuyer	\$24,393.62	
A-01-5-3650.447	Demolition of Unsafe Buildings		
\$24,393.62			

BE IT FURTHER RESOLVED, that this Resolution will be effective immediately.

ROLL CALL, AYES ALL. MOTION CARRIED.

RESOLUTION #82-20

PL #65-20

By Alderman Dougherty, Seconded by Alderman Crawford

TO AUTHORIZE THE EXTENSION OF CURRENTLY ISSUED SIDEWALK CAFÉ PERMITS TO APRIL 30, 2021

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***WHEREAS**, the City of Olean allows sidewalk cafes per Chapter 21, Article VII of the City of Olean Code of Ordinances and has issued permits to various establishments for sidewalk cafes in accordance with Sections 21-171 and 21-172 of the Code of Ordinances; and*

***WHEREAS**, said permits will expire on October 31, 2020; and*

***WHEREAS**, the City of Olean would like to extend the expiration of all currently issued Sidewalk Café Permits to April 30, 2021 in order to allow local businesses to continue to operate outdoors;*

***BE IT RESOLVED**, that the Olean Common Council authorizes the extension of currently issued Sidewalk Café Permits to April 30, 2021.*

***RESOLVED**, that this Resolution shall take effect immediately.*

ROLL CALL, AYES ALL. MOTION CARRIED.

RESOLUTION #83-20

PL# 66-20

By Alderman Gonzalez, Seconded by Alderman Witte

TO AUTHORIZE THE MAYOR TO ENTER INTO AN INTERMUNICIPAL AGREEMENT WITH THE TOWN OF OLEAN FOR THE INDIANA AVENUE SEWER DISTRICT

***WHEREAS**, the Indiana Avenue Sewer District has been formed for the purpose of the conveyance of sewage from the District through a District-owned sewer line in the Town of Olean to the City of Olean; and*

***WHEREAS**, the City of Olean has determined that it has the capacity and ability to contract with the District for the acceptance of the sewage and effluent proposed to be transmitted without any adverse financial impact; and*

***WHEREAS**, the City, the Town, and the District desire to enter into an agreement to accept sewage and effluent from the District;*

***NOW, THEREFORE, BE IT RESOLVED**, that the Common Council authorizes the Mayor of the City of Olean to enter into an Intermunicipal Agreement with the Town of Olean for the Indiana Avenue Sewer District.*

***RESOLVED**, that the Resolution is effective immediately.*

ROLL CALL, AYES ALL. MOTION CARRIED.

RESOLUTION #84-20

PL #70-20

By Alderman Gonzalez, Seconded by Alderman Witte

TO APPROVE AND ADOPT THE UPDATED SECTION 504 AMERICANS WITH DISABILITIES ACT PLAN

***WHEREAS**, Title II of the Americans with Disabilities Act of 1990 (ADA) applies to State and local government entities and protects qualified individuals with disabilities from discrimination; and*

***WHEREAS**, Title II extends the prohibition on discrimination established by Section 504 of the Rehabilitation Act of 1973, to all activities of State and local governments regardless of whether these entities receive Federal financial assistance;*

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NOW, THEREFORE, BE IT RESOLVED, that the City of Olean will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities; and

BE IT FURTHER RESOLVED, that the Common Council designates Keri Kerper as ADA Coordinator for anyone wishing to file a complaint alleging discrimination, and adopts the attached Grievance Procedure established to meet the requirements of the ADA.

RESOLVED, that this Resolution is effective immediately.

ROLL CALL, AYES ALL. MOTION CARRIED.

ADJOURNMENT

Motion to adjourn in memory of Timothy Gore, a retired long time Police Officer of the City who recently passed away, was made by Alderman Witte, seconded by Alderman Anastasia. Voice vote, ayes all. Motion carried. Meeting adjourned at approximately 7:10 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