

Journal of Proceedings

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

November 24, 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, November 24, 2020 at 6:55 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; 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 November 10, 2020 meeting was made by Alderman Gonzalez, seconded by Alderman Dougherty. Voice vote, ayes all. Motion carried.

COMMITTEE REPORTS & UNFINISHED COUNCIL BUSINESS

Report from Strategic Planning Committee on PL #71-20, to amend the City of Olean Charter Article III, Division 4, to include Section 3.090 containing qualification for the City Auditor. Committee recommends approval. Referred to City Attorney for Resolution.

Report from Committee of the Whole on PL #61-20, to amend the City of Olean Code of Ordinances Chapter 12, Housing Code, to include Article VI, Short-Term Rental Registration and Licensing. Committee recommends approval. Referred to City Attorney for Resolution.

Report from Committee of the Whole on PL #76-20, to authorize the transfer of \$1,322 from F06-8340.412 to A01-5110.412 for funding needed to pay for the Water Department's share of pavement openings. Committee recommends approval. Referred to City Attorney for Resolution.

Report from Committee of the Whole on PL #77-20, to authorize the installation of a handicapped parking space and related signage on West State Street in the first parking spot on the northeast corner of its intersection with North 12th Street. Committee recommends approval. Referred to City Attorney for Resolution.

COMMUNICATIONS FROM THE MAYOR

Mayor Aiello explained that he has been working with the three County legislator for the City, Frank Higgins, Kelly Andreano and Rick Smith regarding funding for the airport, and today the County has passed their budget and the City has secured \$85,000 to help with our match money for projects at the airport. He thanked them for their efforts, and explained that a committee will be formed with the County legislators and City government to see how the airport can better serve the City and County. He explained that the committee will also see how additional funding can be obtained. He is very pleased that we have this additional money, as it will help out immensely.

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Alderman Gonzalez asked if this will be the yearly amount received moving forward, or if this is only for one year. Mayor Aiello explained that this is for the 2021 budget. He explained, though, that he thinks that forming this committee will help the County have a better understanding of the importance of the airport. He explained that Olean is moving forward and doing a lot of positive things, and he thinks that if we back off on the airport, it will hurt our progress. Anything that will hinder Olean's progress can be a detriment to Olean and Cattaraugus County's futures. He explained that he did ask for \$125,000 and we received \$85,000.

Alderman Robinson asked if this includes the usual contribution of \$17,000 or if this is in addition to the \$17,000 the City receives annually. Mayor Aiello explained that the City will receive \$85,000 instead of the \$17,000 that is usually received. Alderman Crawford asked if this funding needs to be used solely for capital project investment or if it can be used to offset operating losses at the airport, and Mayor Aiello explained that it is for capital project investment only.

Alderman Panus explained that this is a huge step to have a committee that will meet and talk about the airport on a regular basis, as that is what it needs. Alderman Crawford explained that we should work on this as a team to make it a sustainable operation.

Mayor Aiello explained that the Council received an email today about the Police Reform and Reinvention Collaborative, and letters will be going out on Monday that include the first meeting date. He explained that he still has a couple of people that he has not heard back from yet. He explained that this is becoming a reality and will be a large committee of about 22 people with every entity that the Governor and his guidelines are recommending. Alderman Robinson asked who will be running the committee, and Mayor Aiello responded that it will be Chief Rowley.

MISCELLANEOUS COMMUNICATIONS

None

CITY OFFICIAL REPORTS

None

PROPOSED LEGISLATION AND REFERRALS

PL #73-20: (Crawford) To authorize the sale of 1013 Washington Street to a private entity. Referred to Regular Meeting Tuesday, November 24, 2020 for Resolution by Council President.

PL #74-20: (Aiello) To authorize the Mayor to enter into an Intermunicipal Agreement with Cattaraugus County to allow the County to assume the responsibility and expense for the collection of the County tax payments. Referred to Regular Meeting Tuesday, November 24, 2020 for Resolution by Council President.

PL #75-20: (Aiello) To authorize free parking on West State Street and North Union Street, as well as in all City of Olean parking lots, on November 27, 2020 through January 1, 2021. Referred to Regular Meeting Tuesday, November 24, 2020 for Resolution by Council President.

PL #76-20: (Aiello) To authorize the transfer of \$1,322 from F06-8340.412 to A01-5110-412 for funding needed to pay for the Water Department's share of pavement openings. Referred to Committee of the Whole Tuesday, November 24, 2020 by Council President.

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PL #77-20: (Robinson) To authorize the installation of a handicapped parking space and related signage on West State Street in the first parking spot on the northeast corner of its intersection with North 12th Street. Referred to Committee of the Whole Tuesday, November 24, 2020 by Council President.

PL #78-20: (Robinson) To authorize the installation of “Deaf Child Area” signs in the vicinity of the intersection of Henley Street and North 14th Street. Referred to Public Safety Committee by Council President.

PUBLIC COMMENT/INPUT

Alderman Witte explained that she wanted to take this opportunity with Thanksgiving coming up to remember and thank health care providers, first responders, people working at grocery stores, mailmen and other essential workers. She explained that health care providers show up to work every day to work on COVID patients, putting themselves and their families at risk. We need to remember them and be thankful.

Alderman Crawford asked the Mayor, Police Chief and Fire Chief to provide for the Council in the upcoming weeks an update on the status of the Police and Fire Departments, as well as our strategy, recruitment and retainage efforts.

Ty Malone of 203 North 11th Street thanked Alderman Robinson for bringing up the Police Committee with the Mayor to let him know that they were interested in seeing what is going on with that. He explained that a resume was requested from those who were interested in being on the committee, and although a resume can be useful it he also believes that it is a method to keep out people who have been over policed and unjustly and unfairly treated. He feels that this is a way to be discriminatory and oppressive. He explained that the steps that the local government has taken in regards to this committee have lacked accountability and have no transparency. He explained that we deserve better leaders and he feels that some of the Aldermen treat their citizens like a hobby. He also feels that the Police Chief leading the committee is a conflict of interest.

Daniel Gayton of 794 North Union Street thanked everyone for bringing up the Police Reform Committee. He explained that it is very much past due, and he was interested in hearing what everyone thinks about it. He explained that putting Police Chief Rowley in charge of the committee caused the City to lose all faith from the community in having a just, fair committee, especially since he has openly stated that he does not think that this process needs to happen. He explained that this committee was supposed to be formed months ago, and he doesn't know how they are going to come up with a plan and have this done by April. He explained that you are setting yourself up for failure before you even start, and you can't get work done if your leaders don't agree that you need to get work done. He explained that he feels that having Chief Rowley lead the committee is doing a disservice to the community, and he holds the Mayor and Council responsible. He commended the Mayor for getting money for the airport, and explained that it is an asset to the community.

FINANCE / BILLS

By Alderman Witte, Seconded by Alderman Anastasia

The Auditor has processed bills and claims against the City of Olean as per list submitted to each Alderman and recommends payment thereof.

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***WHEREAS**, the Auditor has presented to the Common Council, bills and claims against the City of Olean totaling \$990,450.52 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

RESOLUTION #86-20

PL #68-20

By Alderman Witte, Seconded by Alderman Crawford

TO AMEND THE CITY OF OLEAN CODE OF ORDINANCES SECTION 24-81 TO INCLUDE A 20 MPH SPEED LIMIT ON A PORTION OF MAIN STREET AND HAMILTON AVENUE WHILE SCHOOL IS IN SESSION

***RESOLVED**, that the City of Olean Code of Ordinances Section 24-81 is hereby amended to include the following:*

(d) The speed limit on the following streets is 20 miles per hour between the hours of 7:00 a.m. and 4:00 p.m. while school is in session, and signs to that effect are to be installed:

(1) Main Street from Genesee Street to the northern property line of 643 Main Street.

(2) Hamilton Avenue from Main Street to the eastern property line of 111 Hamilton Avenue.

***RESOLVED**, that this Resolution is hereby effective immediately.*

ROLL CALL, AYES ALL. MOTION CARRIED.

RESOLUTION #87-20

PL #67-20

By Alderman Witte, Seconded by Alderman Dougherty

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

***RESOLVED**, that the Common Council authorizes 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.*

***RESOLVED**, that speed reduction signs shall be installed in accordance with boundaries described in Resolution #86-20.*

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

ROLL CALL, AYES ALL. MOTION CARRIED.

RESOLUTION #90-20

PL #73-20

By Alderman Crawford, Seconded by Alderman Dougherty

TO AUTHORIZE THE SALE OF 1013 WASHINGTON STREET TO A PRIVATE ENTITY

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WHEREAS, on October 25, 2016 the Olean Common Council enacted Local Law #01-2016, adopting a policy for the sale or franchise of City-owned property; and

WHEREAS, said Local Law authorizes the Common Council to authorize a private sale of City-owned property not needed for public or municipal purposes, if said sale is in the best interests of the City; and

WHEREAS, James J. Palumbo and Thomas E. Palumbo, owners of 1015 Washington Street (collectively, the "Owners"), have submitted to the Common Council a purchase offer for City-owned property ("City Property") located at 1013 Washington Street; and

WHEREAS, the City Property is located adjacent to the property of the owners;

NOW, THEREFORE, BE IT RESOLVED, that the Common Council declares that the City Property identified as 1013 Washington Street (s/b/l 94.064-7-2) as property that is no longer needed for public or municipal purposes; and

BE IT FURTHER RESOLVED, that the Common Council determines that the sale of the property to James J. Palumbo and Thomas E. Palumbo with the condition that the property be maintained in accordance with the City of Olean Code of Ordinances by the Owners is in the best interests of the City; and

BE IT FURTHER RESOLVED, that the City will sell and convey its rights, title and interest in and to the real property identified as 1013 Washington Street (s/b/l 94.064-7-2) to James J. Palumbo and Thomas E. Palumbo for \$2,000 and the cost of the conveyance; and

RESOLVED, that the deed conveying title to the property shall contain the following restrictive and reversionary language which is intended to run with the land: the owners will be responsible to maintain the lot in accordance with requirements set forth within the City of Olean Code of Ordinances.

RESOLVED, that the deed shall not be executed and delivered to the Grantee until the time period specified in Local Law 01-2016, for the filing of a petition demanding a public referendum on the proposed sale, has expired.

RESOLVED, that this Resolution is effective immediately.

ROLL CALL, AYES ALL. MOTION CARRIED.

RESOLUITON #91-20

PL #74-20

By Alderman Witte, Seconded by Alderman Dougherty

TO AUTHORIZE THE MAYOR TO ENTER INTO AN INTERMUNICIPAL AGREEMENT WITH CATTARAUGUS COUNTY TO ALLOW THE COUNTY TO ASSUME THE RESPONSIBILITY AND EXPENSE FOR THE COLLECTION OF THE COUNTY TAX PAYMENTS

WHEREAS, the County and City desire to jointly and concurrently enter into a municipal cooperation agreement pursuant to Article 5-G of the General Municipal Law, assigning the County to undertake responsibility for receiving payments of the County taxes from the residents of the City, as authorized by NYS Real Property Tax Law section 578 (2) (a), and 578 (2) (b); and

WHEREAS, the County and the City have determined that it would be mutually beneficial to engage in an agreement for the City to designate the County to collect County taxes from Residents;

NOW, THEREFORE, BE IT RESOLVED, that the Common Council authorizes the Mayor of the City of Olean to enter into an Intermunicipal Agreement with Cattaraugus County to allow the County to assume the responsibility and expense for the collection of the County tax payments.

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***RESOLVED**, that the parties agree that the County shall be responsible for collecting the payments of County Taxes, including any interest and/or penalties that may be owed, on behalf of the City, from residents in compliance with all applicable law, rules and regulations;*

***RESOLVED**, that the County will produce, print, and mail the tax bills, at the County’s expense, and in consideration of the County assuming the responsibility and expense for the collection of the County tax payments from residents, the County will retain all interest and penalties.*

***RESOLVED**, that this Resolution shall take effect immediately, and the County will assume all preparation, printing, and mailing of tax bills in regards to the tax bill warrant that begins January 1, 2020.*

ROLL CALL, AYES ALL. MOTION CARRIED.

RESOLUTION #92-20
PL #75-20

By Alderman Anastasia, Seconded by Alderman Witte

RESOLUTION AUTHORIZING FREE PARKING ON WEST STATE STREET AND NORTH UNION STREET, AS WELL AS IN ALL CITY OF OLEAN PARKING LOTS, ON NOVEMBER 27, 2020 THROUGH JANUARY 1, 2021

***IT IS RESOLVED**, that there shall be free parking on West State Street and North Union Street, as well as in all City of Olean parking lots, on November 27, 2020 through January 1, 2021.*

ROLL CALL, AYES ALL. MOTION CARRIED.

RESOLUTION #93-20
PL #76-20

By Alderman Witte, Seconded by Alderman Gonzalez

RESOLUTION AUTHORIZING THE TRANSFER OF FUNDS FROM LINE ITEM F06-8340.412 TO A01-5110.412 FOR FUNDING NEEDED TO PAY FOR THE WATER DEPARTMENT’S SHARE OF PAVEMENT OPENINGS

***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>F-06-5-8340.412</i>	<i>Water Transmission and Distribution - Street Materials</i>	<i>\$1,322.00</i>	
<i>A-01-5-5110.412</i>	<i>Maintenance of Streets – Resurfacing & Street Materials</i>		<i>\$1,322.00</i>

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

Alderman Witte explained that the first Inclusivity Committee meeting was held, and everything is going very well. She explained that she is looking forward to everyone attending, and the meetings will be held every two weeks.

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EXECUTIVE SESSION

Motion to enter into executive session to discuss personnel issues was made by Alderman Gonzalez, seconded by Alderman Crawford. Voice vote, ayes all. Motion carried. Executive session began at approximately 7:25 p.m.

A motion to adjourn from executive session was made by Alderman Gonzalez, seconded by Alderman Dougherty. Voice vote, ayes all. Motion carried. Executive session adjourned at approximately 7:55 p.m.

ADJOURNMENT

Motion to adjourn was made by Alderman Gonzalez, seconded by Alderman Witte. Voice vote, ayes all. Motion carried. Meeting adjourned at approximately 8:00 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