

Journal of Proceedings

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

December 8, 2020

via ZOOM

**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 10, 2020 at 6:30 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 Work; Jeff Rowley, Police Chief; Tim Richardson, Fire 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 November 24, 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 Public Safety Committee on PL #78-20, to authorize the installation of “Deaf Child Area” signs in the vicinity of the intersection of Henley Street and North 14th Street. Committee recommends approval. Referred to City Attorney for Resolution.

COMMUNICATIONS FROM THE MAYOR

Mayor Aiello explained that he has asked Sgt. Ron Richardson here tonight to allow the Council to speak with him. Sgt. Richardson explained that he has been a police officer with the City for about 32 years and he was previously an investigator. Alderman Crawford asked what one of his first concerns will be when he takes on the role as Chief, and Sgt. Richardson responded that he does have a lot of concerns but his biggest concern is hiring new police officers. He explained that there are really not a lot of people out there to hire right now. Alderman Crawford asked what some strategies he will be using to help him with that are, and Sgt. Richardson explained that he really hasn’t gotten much into that, as he is not sure who is on the currently Civil Service list, or if there even is a list.

Alderman Witte explained that Sgt. Richardson will be walking in during a time that we have a pandemic, and she asked what he sees as the Police Department’s role in keeping citizens safe. Sgt. Richardson explained that the big thing is that everyone needs to wear masks and continue to social distance. He explained that the department needs to receive more guidance from the State regarding house parties and large gatherings.

Alderman Gonzalez explained that there is a lot of talk in the community about the Police Reform Committee,. And he asked what he, as Chief of Police, would home to accomplish from the committee to make Olean a better policing agency. Sgt. Richardson explained that an time there is a question about police brutality, you really need to look at that. He explained that right now it is investigated by the Captain and

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then it goes to the Chief. He explained that having body cameras is huge because evidence can't be hidden. This is better for the police and the community.

Alderman Robinson asked how trust could be better built between the Olean Police Department and the community given the racial tensions and divide in the country. Sgt. Richardson explained that he has been involved in the community for a long time, and we have to trust one another and have a mutual respect for one another. He explained that community policing has always been his thing. He loves Olean and that's why he's doing this.

Alderman Anastasia explained that we can get together after Sgt. Richardson starts as Chief, and talk about personnel issues and strategize about what we can do. Sgt. Richardson responded that he would like to do that.

MISCELLANEOUS COMMUNICATIONS

Application for a Liquor License – DBJ Services, Inc. (Century Manor) – 401 East State Street, Olean

CITY OFFICIAL REPORTS

None

PROPOSED LEGISLATION AND REFERRALS

PL #79-20: (Dougherty) To amend the City of Olean Code of Ordinances Section 24-135 to prohibit parking at the intersection of South 6th Street and Henley Street for a distance of 20 feet from the corner. Referred to Public Safety Committee by Council President.

PL #80-20: (Aiello) To confirm the Mayoral appointment of John M. Hart as City Attorney effective January 1, 2021. Referred to Regular Meeting Tuesday, December 8, 2020 for Resolution by Council President.

PL #81-20: (Aiello) To confirm the Mayoral appointment of Ronald Richardson as Police Chief effective January 15, 2021. Referred to Regular Meeting Tuesday, December 8, 2020 for Resolution by Council President.

PUBLIC COMMENT/INPUT

Alderman Witte explained that with the holidays coming up, we all need to stay safe and healthy, and we will be able to get through this together. We have had a couple of rough holidays. People will be traveling, and we need to remember to stay safe.

Alderman Crawford offered his condolences to the Laine Family, after the passing of Eric Laine. He explained that Eric Laine was a huge believer in Olean.

Daniel Gayton of 794 North Union Street thanked the Council and explained that he is happy to know that the two committees are up and running. He explained that he feels that the membership of the Police Reform Committee is decent for the most part, although during the meeting it was said that there is a major drug and alcohol problem in Olean, but no one from CARES is on the committee. He explained that he is concerned with the amount of time that Olean has to get a plan done, and if a meeting is held every two weeks at one hour per meeting, that means that there are only six hours to review the entire department. He explained that the Mayor and Council President had the ability to put the committee together some time ago, and he understands that things got in the way. He asked for a commitment from the Mayor that this committee will stay intact and continue to work on this thing. He explained

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that he knows we need certain things to keep our funding, but he hopes that we will do the right thing and keep going. He questions having the Police Chief as the head of the committee, and while he knows that Sgt. Richardson will do the best job he can, he doesn't feel that it is the best job for the City because of the position that he is in. He also feels that Sgt. Richardson's appointment would have been a great opportunity to be run through the Diversity Committee prior to coming to the Council.

Craig Klose of the Town of Olean explained that he is concerned about the size of the Police Reform Committee. He explained that generally more than eight people on a committee put it at a challenging disadvantage. He explained that if you are trying to solve an issue, it can be challenging with such a large number of people, and perhaps some people can be turned into special area consultants. He also feels that it is inappropriate for the Chief of Police to head the committee. He should have a seat at the table, but not in this capacity. He feels that there is good representation from establishment types on the committee but he feels that there is a notable lack of regular old community stakeholders. He explained that he feels that it is important to get more youth involved with the board as well. Additionally, he feels that getting racial diversity in the Olean Police Department should be a top priority.

Victoria Swier of 326 South Union Street explained that she feels that the City should have done something sooner about the Police Reform Committee. She doesn't feel that there is enough time left, given the schedule and allotted time of meetings, to address the issue. She explained that a lot happens behind closed doors and the local government is no different, but with increasing commitment of citizens, she questions why things are still happening behind closed doors and why large decisions like the nomination of a Police Chief would be made without input from the community. She feels that there is a chance that the April deadline will come and go without the City's ability to meet the requirements of the order.

Samantha Hittle, and Olean resident explained that there are a lot of people who are concerned about Chief Rowley being the head of the Police Reform Committee, and she wonders if this can be reconsidered. She doesn't feel that a person who doesn't believe in police reform can be in charge of a committee for police reform.

Mickey George of Ward 3 explained that he sent an email to the Council before the meeting with a petition that several people in the community have signed asking for a replacement for the chair of the Police Reform Committee. He explained that they do not feel that it would be wise and that it is a conflict of interest. He explained that it also doesn't really look good to create a comprehensive community-oriented police reform plan by April. He would ask that everyone come up with ideas on how to speed up the process to make it as efficient as possible for the rest of the committee. He explained that the committee is being headed by establishment types and an older generation, and he doesn't feel that it is inclusive enough of the younger generation. There is a lot of disconnect as the younger generation was raised with internet from day one and is in a different mindset with a global culture. He explained that there is a lack of transparency in the City's hiring procedures, and he questions the necessary qualifications for a Police Chief and if those qualifications are right going forward. He noted that the City must be able to keep up culturally if we want to attract business to Olean.

Ty Malone of 11th Street explained that he would like to thank everybody that has spoken tonight, and he is impressed by everyone who has gotten involved and engaged. He explained that the community has expressed concerns on time limits and he asked if the Mayor and City share these time concerns. He explained that if they do feel the time concerns, that the Mayor and Council should apologize for dropping the ball and letting it get to this point. He explained that the Council has the same blame as the Mayor as they stood by and said nothing while they could have been taking control. He proposes that if six hours aren't enough, that the City join in with the people on

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the letter to the governor asking for more time. He also asked for transparency on the Diversity Committee, and wonders if they will be looking at the hiring of the Police Chief and other City employees.

Sarah Keenan of North First Street explained that a pandemic hasn't stopped support for the local community. She is concerned about transparency and accountability. The Reform Committee is not about changing everything at once but about starting a discussion to revamp procedures and policies that might need a little TLC. She feels that it would be a shame for communications to all apart over time. Live streaming meetings has made it much easier for her generation to be involved.

Leo Wolters Tejera of 302 North 9th Street expressed concerns, first about the appointment of the Police Chief as the head of the Police Reform Committee. They explained that Olean is not that bad off, but we are only ever one generation away from extinction as a City. They explained that the system is flawed, and while the Police Chief should be present at the reform conversation, allowing the police to police themselves is putting us in a situation and we cannot fix a broken system with a broken system. They feel that there is a lack of transparency coming from the Mayor's office, like local politicians want you to participate in government but not really. They feel that there were months to put the Police Reform Committee together but it did not happen until just now. They do not feel like they are being taken seriously and like requests go unremembered. There was an intense amount of political engagement and interest in Olean this summer, and they would like to see the effort from the public be matched by the effort coming out of the head of the City.

Ezra Johnson echoed the other comments and explained that it took more than six hours for the committee to be formed, so it should have more than six hours to paln. He feels that the Mayor and Council owe the City an apology for the time it took to put the committee together. He congratulated Sgt. Richardson but explained that community policing takes defunding. He questioned what the diversity committee was formed for, as they didn't even know that there was an opening for Police Chief or in the Police Department.

Alderman Dougherty explained that he is not in favor of defunding the police, and he is sorry if anyone misunderstood his previous comments. He doesn't feel that Police Chief Rowley has ever said the things that have been said about him tonight about the department not needing reform. Also, the intent of the Police Reform Committee is to reform policies and potentially create other organizations off of that like a committee for reviewing police encounters, but it is not to do anything more than continue in perpetuity to review policies.

Mayor Aiello explained that if the Police Reform Committee feels that a Police Review Board is necessary, then that can come out of this as a finding that the committee has. He explained that the committee was created to review policies and review what the community wants in the Police Department. He explained that if one hour is not enough per meeting then they can be longer. He also explained that Dan McGraw, a School Resource Officer on the committee, will be looking into having a committee formed at the high school to give feedback of what young people would like to see in our Police Department.

FINANCE / BILLS

None

RESOLUTIONS

Alderman Crawford explained that he reached out to Mr. DiCerbo prior to the meeting o make sure that we are following the correct procedural path. He explained that a change may

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be required that would involve requiring a Public Hearing and although no referendum should be required as no new office is being made, he wanted to obtain his legal opinion. Mr. DiCerbo explained that rather than how this is structured as an ordinance, it should be passed as a local law after a public hearing is held. Alderman Crawford asked if Mr. DiCerbo agrees that it does not require a referendum, and Mr. DiCerbo responded that it does not meet the requirements of a referendum.

A motion to amend PL #71-20 to reflect the adopting of a Local Law rather than an ordinance was made by Alderman Crawford, seconded by Alderman Robinson. Voice vote, ayes all. Motion carried.

A motion to postpone this item until the next Regular Meeting was made by Alderman Gonzalez, seconded by Alderman Dougherty. Voice vote, ayes all. Motion carried.

RESOLUTION #95-20

PL #78-20

By Alderman Robinson, Seconded by Alderman Dougherty

TO AUTHORIZE THE INSTALLATION OF FOUR “DEAF CHILD AREA” SIGNS NEAR THE INTERSECTION OF HENLEY STREET AND SOUTH 14TH STREET

RESOLVED, that the Common Council hereby authorizes the installation of four “Deaf Child Area” signs on Henley Street and South 14th Street near their intersection.

RESOLVED, that this Resolution is effective immediately.

ROLL CALL, AYES ALL. MOTION CARRIED.

Mayor Aiello explained that as many know, Mr. DiCerbo will be leaving to be the City Court Judge, so a new City Attorney needs to be appointed. He explained that Mr. Hart was City Attorney many years ago with the John Ash administration and for a short time under Jim Griffin. He explained that he is also the attorney for the URA, so he knows the job and is very good. He feels that he will be a nice addition to the City family. Alderman Witte asked if he will need to step down from the URA, and Mayor Aiello responded that he will not have to. Alderman Witte asked if he will need to be replaced on the Ethics Committee, and Mayor Aiello responded that yes, he will probably need to be replaced there. Alderman Dougherty explained that Mr. DiCerbo will be greatly missed.

RESOLUTION #96-20

PL #80-20

By Alderman Gonzalez, Seconded by Alderman Crawford

TO CONFIRM THE MAYORAL APPOINTMENT OF JOHN M. HART AS CITY ATTORNEY EFFECTIVE JANUARY 1, 2021

WHEREAS, the Mayor of the City of Olean, New York, is authorized to appoint a City Attorney to act as counselor and advisor of the City and departments, as well as to prosecute and defend suits and prepare contracts, bonds and other instruments; and

WHEREAS, pursuant to Section 3.002 of the Charter of the City of Olean, New York, any appointment of a City Attorney by the Mayor must be confirmed by a majority vote of the Common Council; and

WHEREAS, the Common Council feels that the appointment has been made with the best interests of the City of Olean staff and residents in mind;

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NOW, THEREFORE, BE IT RESOLVED, that the City of Olean Common Council hereby confirms the Mayor appointment of John M. Hart as City Attorney effective January 1, 2021.

ROLL CALL, AYES ALL. MOTION CARRIED.

Alderman Crawford explained that he wants to let the public know that this was discussed in Executive Session, and he has done his homework as he is sure many of the other Aldermen have. He explained that he has asked many City officials and residents about Mr. Richardson, and he has not found anyone that had anything bad to say. He explained that he thinks that we are in really good hands, although Chief Rowley will be missed.

RESOLUTION #97-20

PL #81-20

By Alderman Anastasia, Seconded by Alderman Dougherty

TO CONFIRM THE MAYORAL APPOINTMENT OF RONALD J. RICHARDSON AS POLICE CHIEF EFFECTIVE JANUARY 15, 2021

WHEREAS, the Mayor of the City of Olean, New York, is authorized to appoint a Police Chief to exercise authority over the City of Olean Police Department; and

WHEREAS, pursuant to Section 4.001 of the Charter of the City of Olean, New York, any appointment of a Department Head by the Mayor must be confirmed by a two thirds (2/3) majority vote of the Common Council; and

WHEREAS, the Common Council feels that the appointment has been made with the best interests of the City of Olean staff and residents in mind;

NOW, THEREFORE, BE IT RESOLVED, that the City of Olean Common Council hereby confirms the Mayor appointment of Ronald J. Richardson as Police Chief effective January 15, 2021.

ROLL CALL, AYES ALL. MOTION CARRIED.

ADJOURNMENT

Motion to adjourn in memory of Eric Laine was made by Alderman Gonzalez, seconded by Alderman Crawford. Voice vote, ayes all. Motion carried. Meeting adjourned at approximately 7:35 p.m.

Lens Martial, City Clerk

Mayor William J. Aiello

Paul Gonzalez, Council President

I hereby approve the foregoing minutes

Dated: ____/____/____

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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