

PUBLIC SAFETY

Tuesday, February 4, 2020 – 6:05 p.m.

Police Training Room – Olean Municipal Building

Present: Members: Vice Chairman Dougherty, Alderman Panus, Alderman Gonzalez, Alderman Crawford, Alderman Smith, and Alderman Anastasia. Others: Mayor William Aiello; Nicholas DiCerbo, Jr., City Attorney; Bob Ring, Director of Public Works; Tim Richardson, Fire Chief, and Tiffany Taylor, Managerial Confidential Administrative Secretary.

1. Roll Call

Alderman Dougherty called the meeting to order at 6:05 p.m. and asked that the record show that all committee members were present except Alderman Witte, who was absent.

2. Approval of Minutes of the Previous Committee Meetings (Tuesday, January 21, 2020)

A motion to approve the minutes of the January 21, 2020 meeting was made by Alderman Gonzalez, seconded by Alderman Smith. Voice vote, ayes all. Motion carried.

3. Unfinished Business

None

4. New Referrals for Consideration

a. Discussion – Chestnut Street / Bishop Street Access / Parking Issues (Panus)

Alderman Panus explained that this issue was brought to him by a constituent who explained that when you head northbound on Chestnut Street and take a right onto Bishop, cars parking on the roadway create a concern for residents that ambulances, fire trucks and school buses will not be able to make the turn. He explained that he feels that this is a valid argument. He presented a map to the committee that shows where the existing “No Parking Here to Corner” sign is placed, and explained that he would like the sign moved further down the street.

Alderman Smith asked if you could legally park there with the intersection, and Mr. Ring explained that you cannot park on the other side of the roadway due to the intersection; however, there is already no parking on that side of the roadway. Mayor Aiello explained that his concern is that it will be confusing moving the sign, as someone might think that there is no parking to the intersection with Chestnut Street rather than Queen Street. Mr. Ring explained that an arrow can be placed on the sign to show the direction where there is no parking.

Alderman Panus explained that it seems that people that live in the neighborhood try to leave this spot vacant for safety reasons, but people sometimes still park there. Mr. Ring explained

that moving the sign will only eliminate one parking spot, and it sounds like it will make the neighborhood happy.

Alderman Panus will submit a PL and Resolution for consideration at a future Council meeting.

b. Discussion – Recent Fires / Rental Property Fires (Witte / Crawford)

Alderman Crawford explained that he would like an update regarding the structure on the corner of Buffalo and Sullivan Streets. He explained that he knows that the ten day timeline started when the owner of the property was served the order to demolish, and he would like to know if the ten days has run out and what the next steps are. Mr. DiCerbo explained that the property owner was served this morning with the violation of the Order to Remedy, which required her to have the structure demolished today. He explained that this will allow the City to pursue the owner under Chapter 12 of the City's Housing Code, which will allow the City to recover against the property owner, if successful.

Alderman Crawford asked if this is an alternative way for the City to proceed than in the past, because in the past, the City has been burned in situations such as these. He explained that the City has previously been stuck with the demolition bill, put liens on properties and then ended up with properties that we don't want. Mr. DiCerbo added that the City's lien can also be cleared by tax foreclosure.

Alderman Crawford asked if the City had begun getting quotes on the price for the demolition, and Mr. DiCerbo responded that the City doesn't have the quotes back yet, but that we have a pretty good idea of the cost to demolish the structure. He explained that it is estimated to cost between \$25,000 and \$50,000 to demolish the structure and will depend on the tonnage of debris that needs to be removed, as well as the cost of air quality monitoring and other types of things that need to be done in this situation. He explained that he hopes that the City can force compliance from the property owner.

Alderman Crawford asked if the City will need to watch the structure sit there while waiting for the property owner to pay up, and Mr. DiCerbo explained that the City will still move forward with their process. He explained that the City is two or three weeks away from getting the bids back, and in the meantime, he will be going through the City Court process for the Code violation.

Alderman Crawford explained that he gets daily calls about this property, and that it is not just a bad, ugly, blighted building, it is a monster of a nuisance and danger. He asked Mr. DiCerbo if anything is holding the City from moving forward after the bids return. Mr. DiCerbo explained that he is hoping that the property owner will realize that the bids that they can get are cheaper than what the City can get. Alderman Crawford asked if the City has pretty good means

to go after the property owner, and Mr. DiCerbo explained that the City has never proceeded in this way before, but that we will try.

Alderman Crawford asked if we know what is remaining in the demolition budget, and Mayor Aiello explained that he believes that it is around \$50,000, but that he will send the exact number to the Council tomorrow.

Alderman Panus asked, in terms of City Court, if the property owner is being fined per day at this time, and what will force them to demolish the structure themselves. Mr. DiCerbo explained that what should compel them to demolish the structure is the price tag difference between the City's cost to demolish and the property owner's. In addition, the property owner is fined on a daily basis, and the City could ask for a period of incarceration if the ticket was written correctly; however, that is not realistic. He explained that fines accrue on a daily basis, and that each day the structure is not demolished, fines accrue and it's a new violation.

Alderman Crawford asked if we should look at the Codes regarding authorizing incarceration, and Mr. DiCerbo explained that the Code does not have incarceration as a penalty for this individual offense. Incarceration would result for failure to comply with the Order to Remedy, and then failure to comply with the judge's order.

Alderman Crawford asked what we can do to get better. He explained that it is always the same offender and always the same properties that people are losing their lives in that plague neighborhoods. We get stuck with the bill time and time again. Mr. DiCerbo explained that the City is possibly heading down the path of licensing landlords. He explained that right now the City only registers properties and property managers. He explained that we require contractors to have insurance, so why doesn't the City consider require landlords to have insurance? He explained that if the City can do this, then most likely, an insurance company would not issue a Certificate of Insurance on an unsafe property. He explained that he doesn't want to overregulate landlords by doing this, and the City could possibly have the alternative of allowing a landlord to post a bond rather than obtaining insurance, so that if one of their properties burns down, the City can cash in on the bond.

Alderman Crawford explained that one of the suggestions that the City has discussed is a grading scale, assigning different grades to different landlords. He explained that he doesn't want to completely change things, but if someone has a structure fire, it should trigger an inspection of all properties that they have, rather than waiting for something to happen. This particular property owner is putting people in kindling boxes. He asked what we can do to step up our game without hurting good landlords.

Alderman Gonzalez asked why we assume that making people get a license to do business is hurting them. Not every restaurant serves contaminated food, but all restaurants are inspected

nonetheless. He feels that we will again have a conversation where there will be pushback from the landlord community, and the City needs to decide what the right thing to do for the City is regardless of the pushback and go with it.

Alderman Crawford explained that licensing landlords helps alleviate the City's financial risk, but he wonders how we can do more inspections more frequently, and how we can get into these slums to save lives. He explained that he feels that this fire should have auto triggered a safety inspection on all of this property owner's rentals, no matter how many they have.

Alderman Gonzalez asked if the City required insurance, if the insurance company would inspect the structure before issuing insurance. Alderman Dougherty explained that some insurance companies are strict, while some are not. Alderman Panus explained that it seems that it would just generally increase the value of a lot of properties to require insurance for rental properties.

Mayor Aiello explained that safety is a big issue, but so is protecting taxpayers from having to financially support tearing down structures. Alderman Crawford asked if bonding is something that other municipalities do, and Mr. DiCerbo responded that it is something that he can look into. He explained that the Council will have to determine exactly what requires a license, such as an owner with five or more units, versus someone renting out the other unit in a duplex that is owner occupied. Alderman Panus noted that if a property cannot be insured because it is that bad, that it shouldn't be rented out.

Alderman Smith asked if, aside from revenues, insurance is the reason for licensing landlords. Mr. DiCerbo explained that the property that experienced the fire was inspected in 2018. He explained that inspections work but fires happen, and right now, the City does not know what the cause was. HE explained that it could have been something that happened after the inspection was done, such as daisy chained outlets through the apartment.

Alderman Crawford explained that he doesn't want to sound like a broken record, but that things can be done by people renting properties after the inspection is done. That's why he feels that all of the property owner's rentals should be inspected after the structural fire, because it may signal dangers in other properties. Mr. DiCerbo explained that in the last fire experienced in one of the property owner's rentals, there was a fatality. The City applied for a search warrant in City Court to go through all of the owner's properties to check for smoke detectors, based on a provision in the City Code. Unfortunately, citing case law, the Court denied the City the warrants. The City did try, though. Mr. DiCerbo explained that the City can certainly look into different ways of inspecting, and that Olean is not the first municipality to look into this.

Alderman Crawford explained that this is why he likes the idea of a grading scale. A properties can be inspected every three to five years, while D's can be done every 6 months. Alderman Panus explained that it seems that it would change the overall discussion if the fires are not caused by the structure, but by something that the occupants are doing. He feels that if fires are caused by an occupant's action and not by the structure, that things should be handled completely differently.

Mayor Aiello explained that as soon as the cause of the fire is determined and can be released, he will notify the Council. However, it is still under investigation.

c. Discussion – Update on Inspections (Witte)

Chief Richardson explained that there were 230 rental inspections done from 01/01/2019 to 12/31/2019, and 105 fire safety inspections from 09/01/2019 to 12/31/2019. He explained that his department took a more aggressive approach from the fire side, and only 22 businesses passed on the first attempt. He explained that six reinspections have passed, and the officers are now going through the rest of the reinspections.

Alderman Dougherty asked if there is data on the pass / fail ratio for rental inspections, and Mr. Richardson explained that he does have the information, but not the numbers, so he can get this information for the Council. Alderman Dougherty explained that he would like to know how many passed on the first try and second try. He explained that compliance is a good word, but he would also like to see how many people didn't know their rentals weren't up to Code.

Alderman Dougherty asked about the computer program purchased for the inspection program, and Chief Richardson explained that IPS is a tablet driven system that works for both the Fire and Codes sides. He explained that when the Fire Department responds to calls and finds issues in properties, they are able to kick the complaint to Code Enforcement to be checked on the next day. He explained that a lot of issues are caught that way.

Alderman Panus asked if there are any big things coming out of these inspections, and Chief Richardson explained that they are creating a lot of accountability. He explained that violations are issued, and once the issue is satisfied, a reinspection is done. That way, the property owner can't come back on the City and say "I told them it was fixed but it really wasn't".

Alderman Crawford asked what we charge to inspect rentals, and Alderman Dougherty responded that the charge is \$60, and if the property is inspected again within a year of the first inspection, the charge drops to \$40.

Alderman Panus asked what is triggering inspections besides a landlord knowing the law, or someone moving in and knowing the law. He explained that it seems that people can be

sneaking in and out without the City knowing. Mr. DiCerbo responded that the City is doing our best to find them, but that tenants can sneak in and we were aware of this possibility when the law was created.

Alderman Dougherty asked if the inspection process is the same for a rental unit as it is when a property is transferred, and Mr. DiCerbo responded that although the inspection on transfer law is separate from the landlord inspection law, the inspection is the same. He noted, however, that there are additional sewer-related inspections done for property transfers that are not done for rental inspections.

Chief Richardson noted that 166 deed transfer inspections were done last year. Alderman Panus asked if the deed transfer triggers an inspection, and Alderman Dougherty explained that it does.

d. Forest Avenue Issue

Alderman Anastasia explained that there was a stove fire on Forest Avenue, and when 911 dispatch was called, Little Valley responded and alerted the caller that there is no Forest Avenue in Olean, only a Forest Street. He asked who to contact about this issue, since the roadway is Forest Avenue, not Forest Street. Mayor Aiello advised that this issue should be discussed with Sheriff Whitcomb at Cattaraugus County.

5. Approval of Committee Reports

None

6. Adjournment

A motion to adjourn was made by Alderman Smith, seconded by Alderman Anastasia. Voice vote, ayes all. Motion carried. Meeting adjourned at approximately 6:40 p.m.