

Journal of Proceedings

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

August 18, 2020

COMMON COUNCIL CHAMBERS COUNTY OF CATTARAUGUS STATE OF NEW YORK

A Special Meeting of the Olean Common Council of the City of Olean was held on Tuesday, August 18, 2020 at 5:30 p.m.

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

ABSENT: None

OFFICIALS: Mayor William Aiello; Bob Ring, Director of Public Works; Tim Richardson, Fire Chief, and Tiffany Taylor, Managerial Confidential Administrative Secretary

RESOLUTIONS

Alderman Witte explained that she has submitted this Resolution because she has been talking with her constituents, and they still have some concerns that have not been addressed. She explained that the biggest concern is that last week or the week before the City mentioned doing an independent survey, and the residents would be perfectly happy to see the project started after that is done. She explained that not everyone is happy with the project itself but they understand that it is going to happen, so they want to make sure that it is done right. This isn't like a sidewalk that can be easily taken out and moved if needed. She explained that the neighborhood wants to make sure that this is done right and that their voices are being heard.

Alderman Panus explained that he is curious about the timeframe, and Mayor Aiello responded that it depends on the resolution. He explained that the City has been working with the neighbors who are affected and we have made several concessions. He explained that they would like to know where our property lines are, and the City will be running strings from the front to back stakes to show this.

Alderman Panus explained that the reason that he asks, is because he doesn't necessarily think that this is an unreasonable request, and he would not be opposed to voting yes if we limited the number of days that the project is to be delayed. He explained that if we delay the project for too long, it is going to cost the City money. Mayor Aiello noted that the City's legal counsel has sent notice to the Aldermen with the estimated additional costs related to delaying the project. Alderman Panus asked if a survey can be done in a week, and Mayor Aiello responded that it would depend on the surveyor. If we have the City's engineer do a survey it can be done in a week, but if we have it done by an independent third party surveyor, we would need to consult with them regarding the time frame.

Alderman Dougherty explained that he does not remember any mention of an independent third party surveyor when he was at the project site during the last meeting between the City and the residents. Alderman Gonzalez asked if an independent survey needs to be done. Alderman Witt explained that if it is not a third party, then the survey is done by the City, and if we are wrong, the residents will come back to us and tell us that it is wrong. She explained that it behooves the City to get this done. She recommended contacting a surveyor and asking to get this done as a priority, so it can be done and we can move on.

Alderman Gonzalez explained that he does not know a lot about property surveying, and asked if anyone has any clue as to how long it could take. Alderman Dougherty explained that Alderman Witte had stated that they went right over to her house, but

Journal of Proceedings

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

August 18, 2020

he has seen house sales held up for sixty days waiting on the survey. He explained that you can never tell.

Mr. Ring explained that you are looking at probably waiting weeks for a survey to be done. He explained that typically a meets and bounds residential survey takes several steps to shoot with survey equipment, and the surveyor would need to contact the County to get the deeds for all of the properties. He explained that the City's engineer and surveyor, who is not technically a licensed surveyor, is more accurate than any professional surveyor that you are going to get. He explained that he laid out the subdivision for paving Rosedale Terrace, and for him to lay it out which he has done, he is very confident in his abilities.

Alderman Witte responded that this is a large project and that she wants to make sure that this is done right. She explained that a survey was promised to the residents, and we can at least do that.

Alderman Anastasia explained that he went up to the site, but that when this was called the "Stardust Pump Station Project", he thought that the build would occur on Stardust Lane, not Arland Avenue. He explained that it looks like when we disrupt the earth that there will be drainage issues, and he asked if the City has a plan for this. He explained that generators are mentioned, and he wonders where this will be and what the sound level will be. He explained that these are legitimate questions that the neighbors have been asking. Alderman Panus responded that not to negate what Alderman Anastasia just explained, but this was discussed last week during the Council meeting, including the answers to these questions. He explained that most of the Council have gone out to the job site and have heard these same concerns from the residents. He explained that the City has talked to them and he is confident that the City will do whatever it takes to keep this right and address their questions.

Alderman Dougherty added that he has been to the site twice, plus last week's meeting, and most of the questions he has heard have been asked and answered on repetition. Alderman Anastasia explained that he has not heard answers to any of their questions.

Alderman Panus explained that part of it too, is that there is no way for us to know exactly what generator is going to show up or what pumps will be in the building. Alderman Anastasia explained that we should know the sound level of the generator, and Alderman Panus responded that the typical commercial package is designed to be pretty quiet. He explained that the responsibility is on us, if it is not quiet, to do something about it. Alderman Dougherty explained that mufflers can be put on the exhaust or a shell design can be implemented if there is a problem. He explained that Mr. Ring went to the job site and explained that in large detail last Friday, including exactly how drainage would be caught and go into the storm basin. He noted that the neighbors will be able to tie in as well if they have issues.

Alderman Anastasia explained that this is all new to him, and he feels that out of courtesy we should pass the resolution and give 60 or 90 days to get the survey to ensure that the job is done right the first time. Alderman Robinson asked if we wait 2-3 weeks if the City will lose money or funding, and Alderman Panus explained that he thought that the email that he received said that, but the legalese was somewhat difficult to understand. Alderman Crawford asked if it could be put into layman's terms, and Mayor Aiello responded that yes, we could lose money, and if there is any significant design change we will have to go back out to bid.

Alderman Witte asked if that's the case and if there is something that we need to change due to the survey, shouldn't we do it now? She explained that she thinks that is the concern of the neighborhood that right now we get the survey, and they aren't asking for anything else. Alderman Panus asked if we are confident that our survey is good, that it will match the third party survey, and if the time frame for construction

Journal of Proceedings

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

August 18, 2020

is weeks out. Mr. Ring responded that this is correct. Alderman Panus asked if, with confidence in our surveyor, we could get the third party survey and move forward. Mr. Ring responded that this can be done in the time frame that is being suggested. He asked if Alderman Panus is suggesting that we start with no concrete going in the ground at this time.

Alderman Crawford explained that he appreciates infrastructure progress, but at the same time, respects resident's properties and neighborhoods. He explained that he doesn't envy anyone's positions here. He explained that he doesn't want to see infrastructure fall by the wayside and be postponed indefinitely. To Alderman Panus's point, he feels that a fair compromise would be obtaining a detailed third party survey prior to anything permanent going into the ground. Alderman Witte explained that this would show that we have done our due diligence and covered ourselves.

Mayor Aiello explained that if we hire a third party surveyor, that he doesn't see the need for the City's surveyor to do the survey, as this would require that we pull him off of the Washington Street Project. Alderman Panus explained that the need for the independent survey is because the property owners don't trust the city. He asked why we don't give them time and let them have their own independent assessment done. Alderman Witte responded and asked why we should force the property owners to go through that cost. Alderman Dougherty explained that he sees Alderman Gonzalez's point. If someone gets a survey done to build a house and the neighbor doesn't like the survey, the neighbor has to obtain their own. Alderman Robinson explained that this is like comparing apples to oranges.

Alderman Gonzalez explained that if there is some reassurance that they need, based on what was determined by the City's engineers, how do they know that we won't hire someone to tell them what we want them to hear. Alderman Dougherty added that he doesn't want to fault the City's engineer for a mistake made by a design firm. Mr. Ring explained that the City engineer laid out the survey as it stands, and Alderman Dougherty responded not the original one with the wrong property owner names.

Mr. Ring explained that Dave Crandall is not a licensed surveyor. He explained that a licensed surveyor is one who typically does residential property and is typically not employed by a municipality.

Alderman Panus explained that he does not feel that a survey will be expensive. He explained that if we can start work and use this to verify ours, that we will save what the survey costs in getting the project started. Alderman Witte noted that we also save money not building the tower. Alderman Dougherty responded that we will save money up front, but there is not a yearly cost in addition to the pump station so we are not really saving money.

Alderman Witte asked what sort of timeframe the Council is looking at. Alderman Panus explained that if he is going to vote "yes" that he wants to see that there is a short time frame in which to get the survey, and he would like to see that the City can begin work while we await the third party survey. Alderman Robinson agreed, and explained that he is for infrastructure improvement, but that we should try to be empathetic to people and what they want. He explained that we need to put a time table on how long this will go on or go ahead and do the survey while also beginning the project. Alderman Panus explained that he thinks that it is hard to put a timetable on this, because we don't know how long the surveyor will take.

Alderman Witte explained that she feels that this is something that the Council needs to agree to and follow through on. Alderman Gonzalez explained that we really can't put a "not to exceed" in the resolution for something like this. Alderman Panus explained that it is like saying that if the surveyor can't verify things in two weeks that we are going ahead with the project anyways.

Journal of Proceedings

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

August 18, 2020

Alderman Crawford recommended amending the verbiage to say “suspension of any permanent structure or portion until such time that an independent third party survey can be obtained by the City”. He explained that this would allow the contractor to clear brush but not lay any permanent structures until the third party survey is complete. Alderman Gonzalez explained that we should include wording along the lines of suspending construction with the exception of site clearing and preparation.

Mayor Aiello explained that what he is hearing, is that if we obtain an independent survey that we can continue with the project, and the consensus of the Council is that this is correct. Alderman Witte explained that she would really like to see the structure built on Stardust, but at least we can do this.

Mayor Aiello explained that he promised another meeting with the affected residents and he will fulfill that. He explained that he will also ensure that a third party independent survey is ordered.

Alderman Dougherty asked roughly how long it would take before building would start, and Mr. Ring responded that it would probably take a month. He explained that gas, electric, and water need to be run, and a construction entrance will need to be constructed, as well as tapping into the water line on Main Street, clearing brush, and taking down trees. He explained that this could take several weeks, which is why he estimates a month.

Alderman Dougherty asked what happens if the survey is pushed out 90 days. Alderman Witte responded that people she knows have always been told a week or two, not months. She explained that the access road is going to take some time so it’s not as if there is not a lot to do until they get to the permanent structure. She explained that she does not feel that they are concerned that the permanent structure is on the property line, but she believes that they do not want to be intruded on. She explained that she doesn’t think that we want this to go on and on. We need to get the survey done, and start the project.

Alderman Panus asked if we are replacing the water line, and Mr. Ring responded that we are, only for the first 200 feet. Alderman Panus asked if he wants them to work on this until the survey is done, and Mr. Ring responded that they can, because it can be covered up if needed. He noted that the project also has erosion control and a silt fence.

Alderman Crawford asked if there is contingency funding built into this project, and Mr. Ring responded that off the top of his head it is about \$45,000. He noted that he does want to use some of this for construction costs, since the construction portion of the project came in slightly higher than planned. Alderman Crawford explained that this could also be used for additional erosion control, plants and trees.

Alderman Gonzalez explained that suspending the project “until such time that an independent third party survey is complete with the exception of brush clearing and site preparation” is fine, but this doesn’t put a time table on it and leaving things open ended is a concern. Alderman Panus explained that this is why he wanted to find out exactly what they can do, so that we don’t have a contractor sitting there idling. He explained that he feels that thirty days is sufficient time to get this done. Alderman Dougherty added that the Council can always reconvene and add to the timeline if this is necessary. Alderman Witte explained that she thinks that thirty days is plenty.

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

A motion to amend resolution #63-20 to include language as discussed was made by Alderman Witte, seconded by Alderman Crawford. Voice vote, ayes all. Motion

Journal of Proceedings

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

August 18, 2020

carried.

RESOLUTION #63-20

PL #NONE

By Alderman Witte, Seconded by Alderman Crawford

RESOLUTION ORDERING THE SUSPENSION OF THE CONSTRUCTION PORTION OF THE STARDUST PUMP STATION PROJECT UNTIL SUCH TIME THAT AN INDEPENDENT THIRD PARTY SURVEY IS COMPLETED, WITH THE EXCEPTION OF SITE PREPARATION, BRUSH CLEARING, AND DRAINAGE PREPARATION

RESOLVED, that upon hearing the concerns of residents of Main Street and the surrounding area that the Common Council orders the suspension of the construction portion of the Stardust Pump Station Project until such time that an independent third party survey is completed, with the exception of site preparation, brush clearing, and drainage preparation for a period of time not to exceed 30 days from the date this Resolution is approved by the Common Council.

RESOLVED, that this Resolution is hereby effective immediately.

ROLL CALL, AYES ALL. MOTION CARRIED.

Alderman Witte explained that she feels that the Council needs to learn more about SEQRs and that after years of drainage issues, she feels like this should have been a different type of SEQR. Alderman Anastasia explained that he feels we need more presentations for Capital Projects. Alderman Dougherty explained that he remembers the details for this project from a presentation done some time ago, and he feels that everything was done correctly.

ADJOURNMENT

Motion to adjourn was made by Alderman Crawford, seconded by Alderman Witte. Voice vote, ayes all. Motion carried. Meeting adjourned at approximately 6:05 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, LensMartial, 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.

Journal of Proceedings

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

August 18, 2020

Lens Martial, City Clerk