



PRESS RELEASE

Mayor Amy B. Sherburne

August 31, 2026

CITY OF OLEAN MAYORAL TEMPORARY PUBLIC HEALTH AND SAFETY DIRECTIVE TEMPORARY RESTRICTION OF ACCESS TO THE GAZEBO AND PAVILION AREAS OF LINCOLN PARK

Effective Date: August 31, 2026

Issued By: Mayor Amy B. Sherburne

I. PURPOSE

The purpose of this directive is to establish a temporary restriction of public access to the gazebo and pavilion areas of Lincoln Park as a proactive administrative measure to protect the public health, safety, sanitation, fire safety, City property, and orderly use of the park.

This directive is intended to address specific and documented conditions affecting these areas while maintaining public access to the remainder of Lincoln Park.

II. FINDINGS

WHEREAS, the City of Olean is responsible for the management, maintenance, protection, and orderly use of its public parks and municipal property;

WHEREAS, the City has received reports and documented incidents of unauthorized, unsafe, and unsanitary activity occurring within the gazebo and pavilion areas of Lincoln Park both during established park hours and after the City's designated park closing hours, including the presence of human waste and discarded needles;

WHEREAS, there have been incidents involving attempts to start or light a fire in the vicinity of the gazebo and pavilion areas, creating an additional risk to public safety, City property, park facilities, and members of the public;

WHEREAS, there have been incidents of unauthorized access and activity in these areas during periods when the park is closed to the public;

WHEREAS, the gazebo and pavilion areas are used by residents, families, vendors, and members of the public attending the Lincoln Park Farmers Market and other permitted community events;

WHEREAS, the City has a responsibility to take reasonable and proactive measures when conditions within a public park present a legitimate concern to public health, sanitation, fire safety, public safety, or the protection of City property;

WHEREAS, the gazebo and pavilion areas can be secured with physical barriers when necessary, including during periods when the areas are not being used for authorized City events or activities;

WHEREAS, the City intends to maintain public access to the remainder of Lincoln Park and is not closing the park in its entirety;

WHEREAS, the City's existing park regulations establish general hours of operation and prohibit unauthorized entry into City parks when they are closed to the public;

WHEREAS, this directive is not intended to amend, repeal, replace, or otherwise modify any ordinance, local law, or provision of the City Code;

III. CHARTER AUTHORITY

WHEREAS, pursuant to § 2.023 of the Charter of the City of Olean, the Mayor is the chief executive officer of the City and has such other powers and duties as are provided by state law, the Charter, local law, City ordinance, or City resolution;

WHEREAS, pursuant to § 2.024 of the City Charter, the Mayor is responsible for seeing that the laws of the State of New York and legislation adopted by the Common Council are faithfully executed;

WHEREAS, pursuant to § 2.025(a) of the City Charter, except as otherwise provided by law, the Mayor directs and supervises all departments, offices, and agencies of City government;

WHEREAS, pursuant to § 2.025(b) of the City Charter, the Mayor may authorize a City officer or department head subject to the Mayor's authority and supervision to exercise powers concerning that officer's or department's department, office, or agency;

WHEREAS, the Mayor therefore has administrative and supervisory authority to direct the implementation of reasonable operational measures within City departments when necessary to carry out City laws and protect the public;

WHEREAS, the Common Council retains its legislative authority under § 2.057 of the City Charter to enact ordinances concerning the government and protection of public parks;

NOW, THEREFORE, this directive is issued as an administrative and operational public-health and safety measure, and not as an amendment to the City's park laws.

IV. DIRECTIVE

I, Amy Sherburne, Mayor of the City of Olean, hereby direct that access to the designated gazebo and pavilion areas of Lincoln Park, as identified on an attached map or site plan, shall be temporarily restricted.

The Mayor and/or Parks Director, acting within their respective authority and responsibilities, may determine and implement reasonable temporary operational measures when conditions within a City park present an identified concern involving:

- public health;
- sanitation;
- public safety;
- fire safety;
- security;
- protection of City property; or
- the orderly use of City recreational facilities.

Such measures may include, but are not limited to:

1. Temporarily restricting access to a designated portion of a park;
2. Installing or maintaining chains, gates, fencing, barricades, or other physical barriers;
3. Posting appropriate public notices and warning signs;
4. Coordinating with the Police Department regarding unauthorized activity;
5. Coordinating with the Fire Department regarding fire hazards;
6. Coordinating with the Department of Public Works and Parks Department regarding sanitation and maintenance; and
7. Taking other reasonable administrative measures necessary to protect the public and City property.

V. LINCOLN PARK GAZEBO AND PAVILION

The gazebo and pavilion areas of Lincoln Park shall remain secured when not being used for an authorized activity or event.

Authorized access may be provided for:

- the Lincoln Park Farmers Market;
- permitted City events;
- City-sponsored activities;
- maintenance and sanitation;
- emergency response;
- authorized contractors; and
- other lawful City-approved purposes.

The remainder of Lincoln Park shall remain available for lawful public use in accordance with the City's existing laws and regulations.

VI. TEMPORARY NATURE OF RESTRICTION

This restriction is temporary and precautionary.

It shall remain in effect only for the period reasonably necessary to address the conditions that created the public-health and safety concern.

The Parks Director shall periodically review the condition of the gazebo and pavilion areas and provide recommendations regarding whether the restriction should:

- remain in place;
- be modified;
- be reduced;
- be expanded based upon documented conditions; or
- be terminated.

The restriction shall be lifted when the underlying public-health and safety concerns have been adequately addressed and continued restriction is no longer reasonably necessary.

VII. NO CHANGE TO PARK LAW

Nothing in this directive shall be interpreted as:

1. Amending the City's existing park hours;
2. Creating a new criminal offense;
3. Repealing or modifying an existing ordinance;
4. Permanently closing any portion of Lincoln Park; or
5. Exercising the legislative authority reserved to the Common Council.

This directive is an administrative and operational response to an identified public-health and safety condition and is intended to facilitate the lawful and orderly use of City property.

The City reserves the right to take additional lawful measures when conditions within the designated areas continue to present a public-health, sanitation, fire, or safety concern.

VIII. PUBLIC ACCESS AND PROTECTION

The City's objective is not to deny residents access to Lincoln Park.

Rather, the purpose of this temporary measure is to protect the public's ability to safely use and enjoy Lincoln Park while addressing a specific area that has presented documented sanitation, public-safety, security, and fire-safety concerns.

The City shall continue to provide access to the portions of Lincoln Park that are not subject to this temporary restriction.

IX. IMPLEMENTATION

The Parks Director is directed to coordinate implementation of this directive with the appropriate City departments.

The Parks Department shall:

1. Identify and clearly mark the boundaries of the restricted areas;
2. Maintain appropriate physical barriers;
3. Post clear signage explaining the temporary restriction;
4. Secure the gazebo and pavilion when they are not authorized for use;
5. Coordinate appropriate sanitation and cleanup;
6. Coordinate with Police and Fire officials regarding documented safety concerns;
7. Maintain public access to the remainder of Lincoln Park; and
8. Periodically report on the condition of the restricted areas and the need for continued restriction.

X. EFFECTIVE DATE

This directive shall become effective upon issuance and shall remain in effect until modified, rescinded, or terminated pursuant to the review provisions contained herein.

Issued this 31st day of August, 2026.

Amy B. Sherburne
Mayor
City of Olean

James Scanlon
Parks Supervisor
City of Olean