

Journal of Proceedings

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

February 14, 2017

**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, February 14, 2017 at 7:15 p.m.

PRESENT: Aldermen Gonzalez, Witte, Andreano, Dougherty, Crawford, Smith, and George

ABSENT: None

OFFICIALS: Mayor William Aiello; Al Utecht, City Clerk; Nicholas DiCerbo, Jr., City Attorney; Tom Windus, Director of Public Works; Bob Bell, Fire Chief; Jeff Rowley, Police Chief, and Tiffany Taylor, Managerial Confidential Administrative Secretary

At this time a prayer was given by Alderman Gonzalez, followed by a salute to the flag.

COMMITTEE REPORTS & UNFINISHED COUNCIL BUSINESS

Report from Committee of the Whole on PL #02-17, to amend the City of Olean Code of Ordinances Section 24-5, Removal of snow and ice from sidewalks. Committee recommends approval. Referred to City Attorney for Resolution.

Report from Committee of the Whole on PL #05-17, that the City of Olean Common Council acting as Lead Agency for the purposes of the State Environmental Quality Review Act determines that the furnishing and installation of a Bus Shelter Project will have no significant adverse environmental impact and therefore issues a Negative Declaration. Committee recommends approval. Referred to City Attorney for Resolution.

Report from Committee of the Whole on PL #06-17, that the Common Council, based on the information obtained during the environmental review process and included in the attached checklist, determine the Bus Shelter Project to be an Automatic Categorical Exclusion pursuant to the National Environmental Policy Act. Committee recommends approval. Referred to City Attorney for Resolution.

Report from Committee of the Whole on PL #07-17, to approve the following Olean Homeownership Assistance Program (OHAP) applications: OHAP #182-04, not to exceed \$10,000, and OHAP #183-04, not to exceed \$10,000. Committee recommends approval. Referred to City Attorney for Resolution.

Report from Committee of the Whole on PL #10-17, to approve the following Revolving Loan Fund (RLF) application for financial assistance: RLF #17-06, in an amount not to exceed \$30,000. Committee recommends approval. Referred to City Attorney for Resolution.

COMMUNICATIONS FROM THE MAYOR

Special Proclamation in Honor of the Olean Municipal Building Tile Mural

Retirements – Olean Fire Department – Jon Farleo, 23 years of service, and Stephen Wolfe, 26 years of service

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MISCELLANEOUS COMMUNICATIONS

None

CITY OFFICIAL REPORTS

Monthly Report of the City Auditor – month ended January 2017

PROPOSED LEGISLATION AND REFERRALS

PL #08-17: (Aiello) To establish the Standard Work Days pursuant to New York State and Local Retirement System Regulation 315.4. Referred to Committee of the Whole Tuesday, February 28, 2017 by Council President.

PL #09-17: (Aiello) Authorizing the Mayor to sign and submit an application for grant funding to New York State Department of Environmental Conservation through the Urban and Community Forestry Grants Program in connection with the City of Olean Tree Inventory Project. Referred to Regular Meeting Tuesday, February 14, 2017 by Council President.

PL #10-17: (Aiello) To approve the following Revolving Loan Fund (RLF) application for financial assistance: RLF #17-06, in an amount not to exceed \$30,000. Referred to Committee of the Whole Tuesday, February 28, 2017 by Council President.

PL #11-17: (Aiello) To extend the contract with H. Sicherman / The Harrison Studio through December 31, 2017 to continue to provide technical services to the City. Referred to Committee of the Whole Tuesday, February 28, 2017 by Council President.

PL #12-17: (Andreano) To amend the City of Olean Code of Ordinances Chapter 28, Section 11.2.0, Signs in Commercial use districts, to remove from paragraph 3 licensing required every three years, as well as to add wording regarding fees for billboards. Referred to Regular Meeting Tuesday, February 28, 2017 by Council President.

PL #13-17: (Aiello) To authorize the Mayor to enter into an agreement with DiDonato Associates Engineering & Architecture P.C. for Construction Inspection Services associated with the William O. Smith Recreation Center Ice System, Aquatics and Other Improvements Project. Referred to Committee of the Whole Tuesday, February 28, 2017 by Council President.

PL #14-17: (Aiello) That the Common Council as Lead Agency concludes that the proposed project for trail improvements along East Avenue and within War Veterans Park is an Unlisted Action and that after full review of the Environmental Assessment Form determines that the project will have no significant adverse environmental impact and thus declares a Negative Declaration. Referred to Committee of the Whole Tuesday, February 28, 2017 by Council President.

PUBLIC COMMENT/INPUT

Mayor Aiello wished everyone a Happy Valentine's Day.

Scott "The Human" Paoletto of 318 North 11th Street expressed concern with the heroin epidemic in the area.

FINANCE / BILLS

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None

RESOLUTIONS

RESOLUTION #02-17

PL #02-17

By Alderman Dougherty, Seconded by Alderman Smith

TO AMEND THE CITY OF OLEAN CODE OF ORDINANCES SECTION 21-5, REMOVAL OF SNOW AND ICE FROM SIDEWALKS

RESOLVED, that the City of Olean Code of Ordinances Section 21-5, subparagraph (b), is hereby amended as follows:

(b) It shall be the duty of the owner and occupant, jointly, of every parcel of real estate adjoining a public sidewalk, whether the parcel of real estate is occupied by a structure or not, to keep such sidewalks adjoining such property free from snow and ice for the full paved width of such sidewalk.

- 1. For those parcels of real estate located in General Commercial and City Center zoning districts the where the paved sidewalk extends across the full width of the subway to the street, it shall be the duty of the owner and occupant, jointly, to maintain a passage free from snow and ice of a width of no less than eight feet.*
- 2. For those parcels of real estate located in all other zoning districts where the paved sidewalk extends across the full width of the subway to the street, it shall be the duty of the owner and occupant, jointly, to maintain a passage free from snow and ice of a width of no less than four feet.*

RESOLVED, that this Resolution is effective immediately.

ROLL CALL, AYES ALL. MOTION CARRIED.

RESOLUTION #03-17

PL #05-17

By Alderman Gonzalez, Seconded by Alderman George

THAT THE CITY OF OLEAN COMMON COUNCIL ACTING AS LEAD AGENCY FOR THE PURPOSES OF THE STATE ENVIRONMENTAL QUALITY REVIEW ACT DETERMINES THAT THAT FURNISHING AND INSTALLATION OF A BUS SHELTER PROJECT WILL HAVE NO SIGNIFICANT ADVERSE ENVIRONMENTAL IMPACT AND THEREFORE ISSUES A NEGATIVE DECLARATION

WHEREAS, in accordance with the New York State Environmental Quality Review Act (SEQRA) regulations, the Common Council of the City of Olean as Lead Agency conducted an environmental review of the Bus Shelters Project funded by the New York State Department of Transportation (NYSDOT); and

WHEREAS, the Common Council has determined that the proposed action is an Unlisted Action as defined under SEQRA; and

WHEREAS, the Common Council, in its capacity of Lead Agency, has caused to be prepared an environmental assessment of the significance of and potential environmental impact of the action described above; and

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WHEREAS, the Common Council has considered the Environmental Review Record prepared for this action,

NOW, THEREFORE, BE IT RESOLVED, that the Common Council declares that, based on the Environmental Review Record which has been prepared, the project will have no significant impact on the environment and a Negative Declaration under SEQRA is therefore issued for this project.

RESOLVED, that this Resolution is effective immediately.

ROLL CALL, AYES ALL. MOTION CARRIED.

RESOLUTION #04-17

PL #06-17

By Alderman Gonzalez, Seconded by Alderman George

THAT THE COMMON COUNCIL, BASED ON THE INFORMATION OBTAINED DURING THE ENVIRONMENTAL REVIEW PROCESS AND INCLUDED IN THE ATTACHED CHECKLIST, DETERMINES THE BUS SHELTER PROJECT TO BE AN AUTOMATIC CATEGORICAL EXCLUSION PURSUANT TO THE NATIONAL ENVIRONMENTAL POLICY ACT

WHEREAS, in accordance with the National Environmental Policy Act (NEPA) regulations, the Common Council of the City of Olean as Lead Agency conducted an environmental review of the Bus Shelters Project funded by the New York State Department of Transportation (NYSDOT); and

WHEREAS, it has been determined that the proposed action is an activity listed by NEPA regulations to be a Categorical Exclusion; and

WHEREAS, the Common Council, in its capacity of Lead Agency under NEPA and the State Environmental Quality Review Act regulations, has caused to be prepared an environmental assessment of the significance of and potential environmental impact of the action described above; and

WHEREAS, the Common Council has considered the Environmental Review Record (ERR) prepared for this action,

NOW, THEREFORE, BE IT RESOLVED, that the Common Council declares that, based on the Environmental Review Record and the information obtained during the environmental review process, the project is in compliance with all other applicable environmental laws, regulations and executive orders.

RESOLVED, that this Resolution is effective immediately.

ROLL CALL, AYES ALL. MOTION CARRIED.

Alderman Crawford stated that he thinks that the OHAP is a great program to aid low and moderate income families in buying homes in Olean. He encourages first time homebuyers to apply for this funding.

RESOLUTION #05-17

PL #07-17

By Alderman Crawford, Seconded by Alderman Dougherty

AUTHORIZING THE RELEASE OF OLEAN HOMEOWNERSHIP ASSISTANCE PROGRAM GRANT

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FUNDS TO QUALIFIED FIRST TIME HOMEBUYERS

WHEREAS, the City of Olean has been awarded \$400,000 in grant funds from the Empire State Community Development Corporation under the Small Cities Community Development Block Grant program, and

WHEREAS, these funds have been designated to assist low- and moderate-income first time homebuyers seeking to purchase homes in the City of Olean with down payment and closing cost fees, along with housing rehabilitation assistance, and

WHEREAS, the City of Olean has received applications from individuals who have been determined eligible to participate in this program, and

WHEREAS, the City of Olean's Project Loan Committee has reviewed the applications for assistance and has approved the grant to the following applicants:

*OHAP #182-04, not to exceed \$10,000, and
OHAP #183-04, not to exceed \$10,000,*

NOW, THEREFORE, BE IT RESOLVED, that the City of Olean approves the above-identified grants to first time homebuyers which will be leveraged with loans from private and public lending institutions to assist this applicant to make improvements on his home in the City of Olean.

BE IT FURTHER RESOLVED, that the City Auditor is authorized to release the funds to the qualified individuals according to the rules and regulations of the funding source.

IT IS FURTHER RESOLVED, that this resolution will be effective immediately.

ROLL CALL, AYES ALL. MOTION CARRIED.

Alderman Gonzalez stated that the following was discussed in depth during a presentation at last week's committee meeting.

Alderman Witte stated that she had recently returned from NYCOM, where she met a Mayor who was willing to share their City's software for the tree inventory, so that we could do the inventory in-house without the grant. She feels that we should look into alternate ways to fund this. She would like Mayor Aiello to take the time to speak with the Mayor that she had spoken to.

Alderman Crawford stated that he was under the impression that we are under a deadline to submit the application, and Mayor Aiello replied that we are.

Alderman Dougherty stated that it was his impression that we are only spending the monies if we get them. Alderman Gonzalez added that there is no local match. We do spend the money up front but then we are reimbursed.

Alderman George stated that he doesn't feel that it hurts trying to get the grant, as there is no cost to us. The overall project seems like a good project, and a completed inventory can help us get monies in the future.

Alderman Gonzalez added that the money doesn't just pay for the software, it also pays for the person or people who will do the inventory. We can't use Ms. Cooper (the City Forester) or take away other City assets for this project.

Mayor Aiello stated that if we receive the grant and complete the inventory, it could help us obtain additional monies for the maintenance of trees in the City. If we are not awarded the funding, then we could look at other options.

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RESOLUTION #06-17

PL #09-17

By Alderman Dougherty, Seconded by Alderman George

TO AUTHORIZE THE MAYOR TO SIGN AND SUBMIT AN APPLICATION FOR GRANT FUNDING TO NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION THROUGH THE URBAN AND COMMUNITY FORESTRY GRANTS PROGRAM IN CONNECTION WITH THE CITY OF OLEAN TREE INVENTORY PROJECT

WHEREAS, the New York State Department of Environmental Conservation (NYSDEC) has announced the availability of funding under the Environmental Protection Fund for tree inventory projects, and

WHEREAS, communities with a population size of less than 65,000 residents may apply for up to \$50,000 in grant funds under the Agency's "Community Grants" program, and

WHEREAS, the City of Olean is desirous of applying for funding to develop a comprehensive, City-wide tree inventory detailing age, species, health and geographic distribution of our urban forest with the intent to prepare a tree planting and management plan that will enhance the overall quality of life for our residents,

NOW, THEREFORE, BE IT RESOLVED that the Common Council authorizes the Mayor to sign and submit said application to secure \$50,000 in funding from NYSDEC.

RESOLVED, that this Resolution is effective immediately.

ROLL CALL, AYES ALL. MOTION CARRIED.

RESOLUTION #07-17

PL #10-17

By Alderman Andreano, Seconded by Alderman Crawford

RESOLUTION TO APPROVE REVOLVING LOAN NUMBER 17-06 TO A LOCAL BUSINESS ESTABLISHMENT

WHEREAS, the City of Olean has established a Revolving Loan Fund Program to assist business development and expansion, to increase employment, and to improve the tax base of the City by offering low interest financing, and

WHEREAS, the following application for financial assistance has been submitted to the Community Development office:

RLF #17-06, in an amount not to exceed \$30,000

WHEREAS, said application has been reviewed and approved by the City of Olean Revolving Loan Fund Committee,

NOW, THEREFORE, BE IT RESOLVED, that the Common Council approves the above-identified loan to this local business establishment.

IT IS FURTHER RESOLVED, that this Resolution will be effective immediately.

ROLL CALL, AYES ALL. MOTION CARRIED.

RESOLUTION #11-17

PL #NONE

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By Alderman Crawford, Seconded by Alderman Dougherty

RESOLUTION AUTHORIZING THE MAYOR TO SIGN THE CSEA CONTRACT

RESOLVED, that the Mayor is hereby authorized and directed to sign the CSEA contract as reflected in an agreement between the Civil Service Employees Association, Inc. (CSEA), AFSCME Local 1000, AFL-CIO and the City of Olean.

RESOLVED, that this Resolution is effective immediately.

ROLL CALL, AYES ALL. MOTION CARRIED.

RESOLUTION #12-17

PL #NONE

By Alderman Gonzalez, Seconded by Alderman Witte

TO AUTHORIZE THE INSTALLATION OF A ROADSIDE MARKER IN LINCOLN PARK IN HONOR OF A SUFFRAGE LIBERTY TORCH RALLY HELD IN THE PARK IN JULY 1915

WHEREAS, in July 1915 Activist Harriot Stanton Blatch held a Suffrage Liberty Torch Rally for women's right to vote in Lincoln Park in the City of Olean, New York; and

WHEREAS, the Daughters of the American Revolution have expressed interest in commemorating this event with a roadside marker in Lincoln Park; and

WHEREAS, the Common Council would like to support and allow the DAR in their efforts to commemorate this historic event;

RESOLVED, that the Common Council authorizes the Daughters of the American Revolution to install a roadside marker in Lincoln Park in honor of the 1915 Suffrage Liberty Torch Rally for women's vote.

RESOLVED, that this Resolution is effective immediately.

ROLL CALL, AYES ALL. MOTION CARRIED.

ADJOURNMENT

Motion to adjourn was made by Alderman Gonzalez, seconded by Alderman George. Voice vote, ayes all. Motion carried. Meeting adjourned at approximately 7:45 p.m.

Alexander Utecht, City Clerk

Mayor William J. Aiello

Paul Gonzalez, Council President

I hereby approve the foregoing minutes

Dated: ____/____/____

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**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.

Alexander Utecht, City Clerk