

Journal of Proceedings

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

February 28, 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 28, 2017 at 6:40 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; Fred Saradin, City Auditor; Mary George, Community Development Program Coordinator; Tom Windus, Director of Public Works; John Anastasia, Youth & Recreation Director; Bob Bell, Fire Chief; Jeff Rowley, Police Chief, and Tiffany Taylor, Managerial Confidential Administrative Secretary.

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

COMMITTEE REPORTS & UNFINISHED COUNCIL BUSINESS

Report from Finance Committee on PL #03-17, to create a GASB 54 Fund Balance Policy, Committee recommends approval. Referred to City Attorney for Resolution.

Report from Committee of the Whole on PL #08-17, to establish the Standard Work Days pursuant to New York State and Local Retirement System Regulation 315.4. Committee recommends approval. Referred to City Attorney for Resolution.

Report from Committee of the Whole on PL #11-17, to extend the contract with H. Sicherman/The Harrison Studio through December 31, 2017 to continue to provide technical services to the City. Committee recommends approval. Referred to City Attorney for Resolution.

Report from Committee of the Whole on PL #13-17, 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. Committee recommends approval. Referred to City Attorney for Resolution.

Report from Committee of the Whole on PL #14-17, 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 adverse environmental impact and thus declares a Negative Declaration. Committee recommends approval. Referred to City Attorney for Resolution.

COMMUNICATIONS FROM THE MAYOR

Special Proclamation Recognizing LaDorna C. Fox

MISCELLANEOUS COMMUNICATIONS

Application for a Liquor License – Union Whisk(e)y, LLC – 184 North Union Street, Olean

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CITY OFFICIAL REPORTS

None

PROPOSED LEGISLATION AND REFERRALS

PL #15-17: (Aiello) Budget 2017-2018. Referred to Finance Committee by Council President.

PL #16-17: (Aiello) That the Common Council authorizes the Mayor to sign and submit the State and Municipal Facilities Program Grant Agreement between the City of Olean and DASNY for funding for the construction of a downtown farmers' market in the amount of \$200,000. Referred to Committee of the Whole Tuesday, March 14, 2017 by Council President.

PL #17-17: (Aiello) To approve the following Downtown Property Improvement Program (DPIP) applications: DPIP #67-03, in an amount not to exceed \$30,000, and DPIP #68-03, not to exceed \$30,000. Referred to Committee of the Whole Tuesday, March 14, 2017 by Council President.

PL #18-17: (Aiello) To approve the following Revolving Loan Fund (RLF) program applications: RLF #17-06, in an amount not to exceed \$30,000, and RLF #18-06, in an amount not to exceed \$30,000. Referred to Committee of the Whole Tuesday, March 14, 2017 by Council President.

PL #19-17: (Dougherty) To amend the City of Olean Code of Ordinances Section 24-134, Prohibited at all times, to prohibit parking on the north half of South Sixth Street on the west side. Referred to Public Safety Committee by Council President.

PL #20-17: (Aiello) To award the five William O. Smith Recreation Center Upgrades Project contracts to the lowest responsible bidders. Referred to Regular Meeting Tuesday, February 28, 2017 by Council President.

PUBLIC COMMENT/INPUT

Alderman Witte encouraged the Council to sit down with Mr. Andy Crawford of the New York State Comptroller's Office before we begin the budget process next week. Mayor Aiello added that he will ensure that Mr. Saradin sends the Council his schedule.

Scott Paoletto of 318 North 11th Street stated that he is a very spiritual man. He has done a lot of bad things in his life, but he has always had God. He suggested that we invite community members to say the invocation at future meetings.

FINANCE / BILLS

By Alderman Dougherty, Seconded by Alderman George

The Auditor has processed bills and claims against the City of Olean as per list submitted to each Alderman and recommends payment thereof.

***WHEREAS**, the Auditor has presented to the Common Council, bills and claims against the City of Olean totaling \$1,667,171.15 for the budget and recommends payment thereof.*

***NOW, THEREFORE, BE IT RESOLVED**, that the same be and are hereby audited and allowed, and the Auditor is hereby authorized and directed to draw warrants for the payment thereof at the amounts set opposite each respective claim.*

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ROLL CALL, AYES ALL. MOTION CARRIED.

RESOLUTIONS

A motion to amend Resolution #08-17 to include “John Crawford” under “Elected Officials” was made by Alderman Gonzalez, seconded by Alderman George. Voice vote, ayes all. Motion carried.

RESOLUTION #08-17 (as amended)

PL #08-17

By Alderman Witte, Seconded by Alderman Crawford

RESOLUTION ESTABLISHING THE STANDARD WORK DAYS PURSUANT TO NEW YORK STATE AND LOCAL RETIREMENT SYSTEM REGULATION 315.4

BE IT RESOLVED, that the City of Olean / Location code 20039 hereby establishes the following as standard work days for elected and appointed officials and will report the following days worked to the New York State and Local Employees’ Retirement System based on the record of activities maintained and submitted by these officials to the Clerk of this body. This information is pursuant to Regulation 315.4(b).

<i>Title and Name</i>	<i>Standard Work Day 315.4(b)(i)</i>	<i>Term Begin/End 315.4(b)(ii)</i>	<i>Time Keep 315.4(b)(iii)</i>	<i>Days/Mths based on record 315.4(b)(iv)</i>
<i>Elected Officials</i>				
<i>John Crawford</i>	6	<i>1/1/2017-12/31/2018</i>	N	N/A
<i>Appointed Officials</i>				
<i>Darryl Bloom Zoning Board</i>	6	<i>1/1/2017-12/31/2024</i>	N	N/A

RESOLVED, that this resolution will be effective immediately.

ROLL CALL, AYES ALL. MOTION CARRIED.

RESOLUTION #09-17

PL #11-17

By Alderman George, Seconded by Alderman Witte

RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT EXTENDING THE TERMS AND CONDITIONS OF THE PREVIOUS AGREEMENT FOR PROFESSIONAL CONSULTING SERVICES WITH H. SICHERMAN AND Co., INC.

WHEREAS, the City of Olean and H. Sichertman and Co., Inc. have entered into an agreement dated June 2, 2008 for the provision of technical services in the areas of community development, economic development, and Community Development Block Grant (CDBG) program administration (hereinafter the “2008 Agreement”), and

WHEREAS, the 2008 Agreement by virtue of an amended agreement effective January 1, 2014, has a termination date of December 31, 2016, and

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WHEREAS, the City and H. Sicherman and Co, Inc. are desirous of extending the term of the 2008 Agreement,

NOW, THEREFORE, BE IT RESOLVED, the parties hereto do mutually agree to amend the 2008 Agreement as follows:

- 1. Term of Agreement is amended to read "This Agreement shall terminate no later than December 31, 2017."*
- 2. All other terms and conditions of the 2008 Agreement shall remain in full force and effect.*

BE IT FURTHER RESOLVED, that the Mayor is authorized to enter into said agreement for professional consulting services.

RESOLVED, this Resolution will be effective immediately.

ROLL CALL, AYES ALL. MOTION CARRIED.

Alderman Gonzalez stated that the next Resolution was discussed in committee previously. Alderman Andreano added that it came to her attention that the City is billing every three years for business owners to have signs on their own property. She stated that this will allow for us to charge a fee and administer an inspection when signs are initially installed, but it removes the fee every three years with the exception of billboards. They will continue to be inspected and charged for every three years.

RESOLUTION #10-17

PL #12-17

By Alderman Andreano, Seconded by Alderman George

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

RESOLVED, that Chapter 28, Section 11.2.0, paragraph 3 is hereby amended as follows:

3. Permit fees. Each application shall be accompanied by a fee as established by the Common Council which may be amended or modified from time to time. The Code Enforcement Officer of the City may require proof of the monetary value of the sign to establish the permit fee. Upon the approval of the Code Enforcement Office of such application and of the place and manner of erecting the sign therein mentioned, and upon his writing or stamping thereon the amount of the fee required for the sign applied for, the applicant shall pay to the City Clerk the fee prescribed by this division.

Construction of an approved sign must be commenced within 30 days after the issuance of the permit and completed and inspected within 60 days thereafter.

Liability insurance must be obtained by the owner of a sign prior to approval of the application with minimum liability coverage as follows: \$10,000 property damage, and \$100,000 personal injury and shall be underwritten by an insurance company licensed by the New York State Insurance Department.

Licenses for billboards shall be issued for a period of three years. New installations approved will be for three year periods following the issuance of a permit.

RESOLVED, that this Resolution is effective immediately.

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**ROLL CALL, AYES ALL EXCEPT ALDERMAN SMITH, WHO ABSTAINED.
MOTION CARRIED.**

RESOLUTION #13-17

PL #03-17

By Alderman Witte, Seconded by Alderman Crawford

TO AUTHORIZE THE CREATION OF A FUND BALANCE POLICY

WHEREAS, the City Auditor, along with the City's independent Auditors and the New York State Comptroller's Office recommend the creation of a Fund Balance Policy for the financial benefit of the future of the City of Olean; and

WHEREAS, the Common Council agrees that said policy could be beneficial to future Councils and Mayors both;

RESOLVED, that the Common Council authorizes the creation of a Fund Balance Policy for the City of Olean.

RESOLVED, that the City Auditor and various City Officials are authorized to prepare a Fund Balance Policy to present to the Council at a later time for formal adoption.

RESOLVED, that this Resolution is effective immediately.

ROLL CALL, AYES ALL. MOTION CARRIED.

RESOLUTION #14-17

PL #13-17

By Alderman Andreano, Seconded by Alderman George

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

WHEREAS, the Common Council desires to undertake a capital improvement project generally consisting of the reconstruction of and construction of improvements to the City's William O. Smith Recreation Center Complex; and

WHEREAS, on April 26, 2016, the Common Council approved a bond resolution in order to obtain funding for said project; and

WHEREAS, as directed by a resolution approved on July 12, 2016, the City of Olean awarded the engineering portion of the project to DiDonato Associates, P.E., P.C.; and

WHEREAS, DiDonato Associates Engineering & Architecture, P.C. has presented their scope of services and estimated cost to provide a Resident Project Representative to assist the Architect and perform full time Construction Inspection Services for the aforementioned project; and

WHEREAS, upon full review of said proposal, the City of Olean is desirous of continuing aforementioned project with the aid of DiDonato Associates for Construction Inspection Services;

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NOW, THEREFORE, BE IT RESOLVED, that the Common Council authorizes 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.

RESOLVED, that this Resolution is effective immediately.
ROLL CALL, AYES ALL. MOTION CARRIED.

RESOLUTION #15-17

PL #14-17

By Alderman Crawford, Seconded by Alderman Andreano

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 ADVERSE ENVIRONMENTAL IMPACT AND THUS DECLARES A NEGATIVE DECLARATION

WHEREAS, the Common Council of the City of Olean is desirous of undertaking a project for trail improvements along East Avenue and within War Veterans Park; and

WHEREAS, such project requires SEQR review prior to formal consideration by the Common Council; and

WHEREAS, said project qualifies as Unlisted or Type II Action under SEQRA regulations; 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

WHEREAS, it has been determined through findings of the EA that the proposed project will have no significant impact(s) on the environment;

NOW, THEREFORE, BE IT RESOLVED, that the City of Olean Common Council declares itself Lead Agency for this project for the purposes of SEQRA.

BE IT FURTHER RESOLVED, 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 adverse environmental impact and thus declares a Negative Declaration.

RESOLVED, that this Resolution is effective immediately.
ROLL CALL, AYES ALL. MOTION CARRIED.

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

A motion to amend the agenda to include Resolution #16-17 was made by Alderman Gonzalez, seconded by Alderman Andreano. Voice vote, ayes all. Motion carried.

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Alderman Gonzalez stated that we have been discussing the Recreation Center Project at length for some time. Alderman Crawford asked if we could speak to how the project will be financed going forward.

Mr. Windus stated that last year, the Council took out a BAN for \$2.735 million. This is in addition to a \$500,000 grant from the Office of Parks and Recreation, a \$420,000 grant from Empire State Development and a \$200,000 grant from DASNY. The total is enough to cover the five contracts, as well as Construction Inspection services approved by the Council in a previous resolution.

Alderman George asked if the contract amounts in the Resolution included the alternatives that were previously discussed. Mr. Windus replied that they do. After discussions and hearing the Council's opinions, he decided to include the \$12,000 to scrape and paint the beams.

Alderman Witte asked if the concession area will be done in house. Mr. Windus replied that the contractor will tear out the existing wood structure and rebuild a shell, and the City will be responsible for building out from there.

Alderman Crawford stated that he does not want the City to find itself in the same situation that we were a decade ago. The \$2.7 million bond enlarges debts, and in turn, places a larger burden on taxpayers. With residents leaving and industries shrinking, where does funding come for our growing needs? We need to figure out where we will pay for this going forward. He hopes that the situation turns around.

Alderman Gonzalez stated that Alderman Crawford is correct, that the City needs to step back, look at what we are doing financially and evaluate all of the debt that we have already taken on. He continued in stating, though, that the condition of the rink is critical. He does not feel that this is a "luxury" project by any means. The rink brings in \$200,000 a year, and that's a cost that taxpayers would have to make up for if we didn't fix the rink. The problem can't be ignored. Alderman George added that it is his understanding that the infrastructure under the rink, if not fixed, could cause environmental issues.

Mr. Windus reminded the Council that we are not asking for additional monies, as this project has already been borrowed for and funded.

Mr. Saradin stated that he has somewhat addressed Alderman Crawford's concerns by not having any capital projects in the proposed 2016-2017 budget. It is our hope that we will not take on any new debt in the next year.

Alderman Crawford stated that, with the North Union Street project and now the Recreation Center Project, it is a good time to take a step back and see what concerns we have going forward.

Mayor Aiello stated that he appreciates these comments. He has no capital projects in his tentative budget for these reasons.

Alderman Smith stated that he feels that Alderman Crawford touched on a very good point. That said, he is very supportive of this project, as it touches on quality of life issues. However, if things don't turn around in the City, we cannot keep doing projects

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like this. He also noted that he does not mean to make it seem that this is Olean's problem. The population decline and lack of industrial growth are Western New York problems. He hopes that it turns around, but it will be a slow, painful process.

RESOLUTION #16-17

PL #20-17

By Alderman Andreano, Seconded by Alderman Smith

TO AWARD THE FIVE WILLIAM O. SMITH RECREATION CENTER UPGRADES PROJECT CONTRACTS TO THE LOWEST RESPONSIBLE BIDDERS

WHEREAS, the Common Council desires to undertake a capital improvement project generally consisting of the reconstruction of and construction of improvements to the City's William O. Smith Recreation Center Complex; and

WHEREAS, on April 26, 2016, the Common Council approved a bond resolution in order to obtain funding for said project; and

WHEREAS, as directed by a resolution approved on July 12, 2016, the City of Olean awarded the engineering portion of the project to DiDonato Associates, P.E., P.C.; and

WHEREAS, with the aid of DiDonato Associates, the City of Olean has requested bids for the five contracts related to the Recreation Center Complex Project; and

WHEREAS, upon full review of said bids and upon recommendation received by DiDonato Associates, the City is desirous of awarding contracts to the lowest responsible bidders;

NOW, THEREFORE, BE IT RESOLVED, that the Common Council awards the five William O. Smith Recreation Center Upgrades Project contract sot the following:

Ice Rink Contract to Mollenberg Betz, for an amount not to exceed \$1,475,000;

General Contract to Kinley Corporation, for an amount not to exceed \$1,157,976, to include add alternations No. 1, 2, and 3;

Mechanical Contract to Mollenberg Betz, for an amount not to exceed \$319,000;

Plumbing Contract to DV Brown, for an amount not to exceed \$219,000; and

Electrical Contract to Kel Kur Electric, for an amount not to exceed \$93,055, to include add alternate No. 1.

RESOLVED, that this Resolution is effective immediately.

ROLL CALL, AYES ALL. MOTION CARRIED.

EXECUTIVE SESSION

A motion to enter into executive session to discuss collective negotiations pursuant to Article 14 of the Civil Service Law was made by Alderman Gonzalez, seconded by Alderman George. Voice vote, ayes all. Motion carried. Executive session began at approximately 7:15 p.m.

A motion to adjourn from executive session was made by Alderman Gonzalez, seconded by Alderman Witte. Voice vote, ayes all. Motion carried. Executive session adjourned at approximately 7:35 p.m.

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ADJOURNMENT

Motion to adjourn was made by Alderman Gonzalez, seconded by Alderman Dougherty. Voice vote, ayes all. Motion carried. Meeting adjourned at approximately 7:40 p.m.

Alexander Utecht, 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, 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