

Journal of Proceedings

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

October 24, 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, October 24, 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; Keri Kerper, Community Development Program Coordinator; Bob Ring, 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 Andreano, followed by a salute to the flag.

**READING, CORRECTING & APPROVAL OF THE MINUTES OF THE
PREVIOUS REGULAR MEETING**

A motion to approve the minutes of the October 10, 2017 meeting was made by Alderman Gonzalez, seconded by Alderman Crawford. Voice vote, ayes all. Motion carried.

COMMITTEE REPORTS & UNFINISHED COUNCIL BUSINESS

Report from Committee of the Whole on PL #87-17, to designate Sunny Olean, LLC as a “Qualified and Eligible Sponsor”, approving the development agreement and qualifying the disposition of the 106-108 West State Street Property. Committee recommends approval. Referred to City Attorney for Resolution.

Report from Committee of the Whole on PL #88-17, to amend the City of Olean Code of Ordinances Chapter 24, Section 24-134, to install “No Parking or Standing” signs on a portion of York Street. Committee recommends approval. Referred to City Attorney for Resolution.

Report from Committee of the Whole on PL #89-17, to establish the Standard Work Days pursuant to New York State and Local Retirement System Regulation 315.4 for appointed officials. Committee recommends approval. Referred to City Attorney for Resolution.

Report from Committee of the Whole on PL #90-17, 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.

COMMUNICATIONS FROM THE MAYOR

Special Proclamation for National Disability Employment Awareness Month

Notice of Retirement – Robert Venno, 40 years of employment with the Department of Public Works

MISCELLANEOUS COMMUNICATIONS

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None

CITY OFFICIAL REPORTS

Monthly Report of the City Auditor – month ended September 2017

PROPOSED LEGISLATION AND REFERRALS

PL #87-17: (Aiello) To designate Sunny Olean, LLC as a “Qualified and Eligible Sponsor”, approving the development agreement and qualifying the disposition of the 106-108 West State Street property. Referred to Committee of the Whole Tuesday, October 24, 2017 by Council President.

PL #89-17: (Aiello) To establish the Standard Work Days pursuant to New York State and Local Retirement System Regulation 315.4 for appointed officials. Referred to Committee of the Whole Tuesday, October 24, 2017 by Council President.

PL #90-17: (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, October 24, 2017 by Council President.

PL #92-17: (Aiello) To authorize the removal of “No Parking 3 p.m. to 6 p.m.” signs on the south side of East State Street between Clinton Street and Fulton Street, and on the north side of East State Street between Clinton Street and the East State Street Bridge. Referred to Public Safety Committee by Council President.

PL #93-17: (Aiello) To authorize the installation of three (3) signs for the Olean Public Library in the following locations: North Union Street, near its intersection with Laurens Street; North Fourth Street, near its intersection with Laurens Street; and West State Street between South Fourth Street and South Fifth Street. Referred to City Operations Committee by Council President.

PL #91-17: (Aiello) To authorize the Mayor to sign the Police Command labor union contract. Referred to Regular Meeting Tuesday, October 24, 2017 by Council President.

PUBLIC COMMENT/INPUT

Alderman Witte stated that she has received several calls regarding feral cat issues, including recommendations to consult with other communities to see what they do. She will be following up with other communities as well as Code Enforcement on this issue.

Alderman Crawford stated that he met today with the Cattaraugus County Catnippers who are a not for profit. They are interested in raising funds to begin a trap, neuter, release program in the City. He realizes that this is a serious and ongoing issue.

Alderman Smith stated that he has been getting calls about trees, and he wants the public to know that we haven't brushed this off. The Council is still working to come to a solution.

Alderman Dougherty questioned Ms. Taylor regarding the procedure for publishing Code changes. She replied that they must be published, per the Code of Ordinances, in the local newspaper (Olean Times Herald is currently used) a minimum of ten days prior to the vote on the Code change.

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George Lapennas of 653 Garden Avenue stated that he doesn't understand how the Council works and he feels that rules and legislation should be more easily accessible. He also expressed concern with unenforced parking signs on East State Street, as well as an unenforced law regarding the sale of ammunition.

Scott Paoletto of 318 North 11th Street stated that he is glad to see people coming to Council meetings. He feels that residents should pay more attention to what is going on in the City. He also encouraged voters to get out there and vote at the next election, and recommended that the winners of the election think outside the box to fix the problems that the City faces.

Sandra ? expressed concern regarding signage on North First Street. She asked if signage could be put in signaling that school children are crossing to attempt to alleviate dangerous traffic / pedestrian situations. Alderman Gonzalez replied that the City will look into this.

FINANCE / BILLS

By Alderman Andreano, Seconded by Alderman Dougherty

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 \$1,459,655.43 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.*

ROLL CALL, AYES ALL. MOTION CARRIED.

RESOLUTIONS

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

A motion to amend the agenda to include Resolution #89-17 was made by Alderman Gonzalez, seconded by Alderman Andreano. Voice vote, ayes all. Motion carried.

RESOLUTION #86-17

PL #89-17

By Alderman Andreano, Seconded by Alderman Dougherty

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

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).

| Title and Name | Standard Work Day 315.4(b)(i) | Term Begin/End 315.4(b)(ii) | Time Keep 315.4(b)(iii) | Days/Mths based on record 315.4(b)(iv) |
|----------------|-------------------------------|-----------------------------|-------------------------|--|
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| Elected Officials | | | | |
|-------------------------------|---|-------------------------|---|------|
| John Crawford, Alderman | 5 | 1/1/17-12/31/18 | N | 5.01 |
| | | | | |
| | | | | |
| Appointed Officials | | | | |
| Darryl Bloom, Zoning Board | 6 | 1/1/2017- 12/31/2024 | N | .17 |
| Shayne Certo, Zoning Board | 6 | 1/1/2016- 12/31/2023 | N | .71 |
| | | | | |

RESOLVED, that this resolution will be effective immediately.

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

RESOLUTION #87-17

PL #90-17

By Alderman Dougherty, Seconded by Alderman George

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 its employees and will report days worked to the New York State and Local Employees' Retirement System based on the time keeping system or the record of activities maintained and submitted by these members to the clerk of the body:

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| Title | Standard Work Day (Hrs/day) | Title | Standard Work Day (Hrs/day) |
|--|--------------------------------|---|--------------------------------|
| Alderman | 6 | Senior Emergency Services Dispatcher | 7 |
| Assessors Aide | 8 | Plumbing Board | 6 |
| Assessor | 7 | Fire Captain A-EMT | 8 |
| Account Clerk | 8 | Fire Captain Critical Care | 8 |
| Auditor | 7 | Fire Captain Paramedic | 8 |
| City Clerk | 8 | Fire Captain EMT | 8 |
| Deputy Registrar of Vital Records | 8 | Fire Lieutenant EMT | 8 |
| Parking Attendant PT | 6 | Fire Lieutenant A-EMT | 8 |
| Senior Accountant | 7 | Fire Lieutenant Critical Care | 8 |
| Community Development Program Coordinator | 7 | Fire Lieutenant Paramedic | 8 |
| Typist/Keyboard Specialist | 7 | Fire Chief | 8 |
| Network Specialist | 8 | Firefighter A-EMT | 8 |
| Data Processing Coordinator | 8 | Firefighter Critical Care | 8 |
| Dept. of Public Works Office Supervisor | 7 | Firefighter Paramedic | 8 |
| Garage Supervisor | 8 | Firefighter EMT | 8 |
| Janitor | 8 | Plumbing Inspector PT | 6 |
| Junior Civil Engineer | 8 | City Forester PT | 6 |
| Auto Mechanic Helper | 8 | Bartlett Director PT | 6 |
| Principal Account Clerk | 7 | City Attorney | 6 |
| Senior Account Clerk Typist 7 | 7 | Sr. City Engineer | 8 |
| Civil Engineer | 8 | Secretary to Mayor | 7 |
| Summer Laborer PT | 8 | Mayor | 7 |
| Supervisor of Operations | 8 | Parking Lot Attendant | 6 |
| Director of Public Works | 7 | Senior Parks Maintainer | 8 |
| Cleaner PT | 6 | Parks Maintainer II/Pesticide | 8 |
| Construction Worker | 8 | Planning Board | 6 |
| City Electrician | 8 | Police Captain | 8 |
| Electrician Assistant | 8 | Police Chief | 8 |
| Street & Sewer Maintainer III | 8 | Police Lieutenant | 8 |
| Senior Wastewater Treatment Plant Operator | 8 | Police Matron | 7 |
| Wastewater Treatment Plant Operator Trainee | 8 | Police Sergeant | 8 |
| Wastewater Treatment Plant Worker | 8 | Police Officer | 8 |
| Wastewater Treatment Plant Operator | 8 | School Crossing Guard | 6 |
| Chief Wastewater Treatment Plant Operator | 8 | Court Security | 6 |
| Senior Street & Sewer Maintainer | 8 | Court Attendant | 6 |
| Motor Equipment Mechanic | 8 | Bingo Inspector | 6 |
| Keyboard Specialist PT | 6 | Police Officer/DARE | 8 |
| Heavy Equipment Operator | 8 | Captain in Charge | 8 |
| Street & Sewer Maintainer | 8 | Assistant Manager | 6 |
| Senior Water Plant Lab Director | 8 | Youth Court Coordinator | 6 |
| Senior Water Maintainer | 8 | Building Attendant | 6 |
| Water Maintenance Supervisor | 8 | Lifeguard | 6 |
| Water Maintenance Specialist | 8 | Office Manager | 8 |
| Water Treatment Plant Mechanic I | 8 | Recreation Leader | 6 |
| Water Treatment Plant Operator | 8 | Recreation Specialist | 6 |
| Water Treatment Plant Operator Trainee | 8 | Recreation Attendant | 6 |

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| Water Superintendent | 8 | Skate Guard | 6 |
| Emergency Services Dispatcher | 7 | Snack Bar Worker | 6 |
| Emergency Services Dispatcher PT | 6 | Sr. Life Guard | 6 |
| Zoning Board | 6 | Youth Bureau & Recreation Program Coordinator | 8 |
| Building Maintainer | 8 | Construction Worker | 8 |
| St. & Swr Maintainer I | 8 | Parks Maintainer I | 8 |
| Airport Maintainer | 8 | Auto Mechanic Helper | 8 |
| Rec. Center Assistant | 6 | Bldg. Maintainer/Pool Operator | 8 |
| Administrative Secretary | 8 | Parks Maintainer II | 8 |
| St. & Swr. Maintainer II | 8 | WWTP Maint. Worker | 8 |
| Water Maintainer | 8 | Construction Worker/Sewer Maintainer | 8 |
| Construction Worker/Street Division | 8 | Heavy Equip. Operator | 8 |
| Hvy Equip. Oper./Water Maint. | 8 | St & Swr Maintainer III | 8 |
| St. & Swr. Maintainer I (nite) | 8 | Water Meter Specialist | 8 |
| Parks Maint II/Pest. App. | 8 | St. & Swr. Maint II/Pest App | 8 |
| Dpy. Reg. Vital Statistics | 7 | Engineering Aide | 7 |
| WWTPO / Mt. Mech I | 8 | WTPO/Mt. Mech I | 8 |
| | | | |
| Rec. Center Supervisor | 8 | Rec. Center Senior Assistant | 8 |
| Senior Clerk | 7 | Rec. Center Operator | 8 |
| Payroll Clerk | 8 | Asst. St./Swr. Supervisor | 8 |
| Sr. Water Mtr. Spec. | 8 | Sr. Water Maintainer | 8 |
| Sr. Parks Maintainer | 8 | WWTPO/Maint. Mech II | 8 |
| Code Enforcement Officer | 8 | Snack Bar Manager PT | 6 |
| Parking Meter Attendant PT | 6 | WTPO/Maint. Mech. II | 8 |
| Sr. WTPO/Lab Director | 8 | Sr. WWTPO | 8 |
| Sr. Airport Maintainer PT | 6 | Garage Shop Supervisor | 8 |
| St. / Swr. Supervisor | 8 | Parks Supervisor | 8 |
| Chief WTPO | 8 | Water Maint. Supervisor | 8 |
| Wtr. Meter Svs. Supervisor | 8 | Water Superintendent | 8 |
| Deputy Registrar of Vital Records PT | 6 | Network Coordinator | 8 |
| Account Clerk Typist | 8 | Senior Account Clerk Typist 8 | 8 |
| Senior Account Clerk Stenographer | 7 | Senior Street & Sewer Maintainer | 8 |

RESOLVED, that this resolution will be effective immediately.

ROLL CALL, AYES ALL. MOTION CARRIED.

RESOLUTION #88-17

PL #87-17

By Alderman Witte, Seconded by Alderman Smith

RESOLUTION DESIGNATING SUNNY OLEAN, LLC AS A “QUALIFIED AND ELIGIBLE SPONSOR”, APPROVING THE DEVELOPMENT AGREEMENT AND QUALIFYING THE DISPOSITION OF THE 106-108 WEST STATE STREET PROPERTY

WHEREAS, in furtherance of the objectives of Article 15 and 15-A of the General Municipal Law of the State of New York (“GML”) and the recommendation of the Olean Urban Renewal Agency (OURA), the City of Olean has undertaken a program for reconstruction of its urban core area in a portion of the City’s downtown business district in accordance with an Urban Renewal Plan known as the Olean Urban Renewal Plan

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Update with respect to the parcels of real property located at 101 North Union Street, 107 North Union Street, 106-108 West State Street and 110-116 West State Street; and

WHEREAS, the Agency acquired title to the OURA Development Site pursuant to the Urban Renewal Plan on August 27, 2010; and

WHEREAS, on three occasions OURA prepared and advertised Request for Proposals for the redevelopment of the OURA Development Site which had failed to produce a successful Developer for a comprehensive project involving all of the properties; and

WHEREAS, in September 2013, the OURA sought Request for Bids for the demolition of a portion of the development site being 110 West State Street and 116 West State Street (“110-116 West State Street”); and

WHEREAS, on November 21, 2013 in response to the publicity related to the bid procedure for demolition of the 110-116 West State Street, Goodban Belt Management Consulting, LLC proposed to redevelop 110-116 West State Street as a mix of uses and amenities, including ground floor retail, new residential on the second floor and residential development on the third floor; which proposal was accepted and which has resulted in an approved project underway by Sunny Olean, LLC which is a related company to Goodban Belt Management Consulting, LLC; and

WHEREAS, by letter dated March 15, 2017, Sunny Olean, LLC proposed to purchase the contiguous parcel being 106-108 West State Street; and

WHEREAS, on May 24, 2017, the Agency decided to pursue, subject to legal requirements, redevelopment of the 106-108 West State Street property by Sunny Olean, LLC (“Preferred Developer” as designated by the OURA) by negotiated disposal process consistent with the company’s March 15, 2017 proposal (Project) which the OURA believes is consistent with the goals and objectives in the Urban Renewal Plan Update; and

WHEREAS, in order for the OURA and the Preferred Developer to enter into a Development Agreement for the disposition of said property, the Common Council pursuant to GML Section 507(2)(d) must: 1) permit the designation of the Preferred Developer as a “qualified and eligible sponsor”, and 2) approve the Development Agreement and qualify the disposition of the properties; and

WHEREAS, the OURA has undertaken a coordinated review of this Project pursuant to the State Environmental Quality Review Act and has issued a Negative Declaration having determined that the Project will have no significant adverse environmental impact; and

WHEREAS, the Common Council held a public hearing on Tuesday, October 24, 2017 the purpose of which was to provide the public with information on the Project and the Preferred Developer’s plan for redevelopment of the 106-108 West State Street property;

NOW, THEREFORE, BE IT RESOLVED, that the Common Council hereby designates Sunny Olean, LLC as a “qualified and eligible sponsor”, approves the Development Agreement (attached) and qualifies the disposition of 106-108 West State Street.

RESOLVED, that this Resolution is effective immediately.

ROLL CALL, AYES ALL. MOTION CARRIED.

EXECUTIVE SESSION

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A motion to enter into executive session to discuss collective negotiations pursuant to the Civil Service Law was made by Alderman Gonzalez, seconded by Alderman Dougherty. Voice vote, ayes all. Motion carried. Executive session began at approximately 7:00 p.m.

A motion to exit executive session was made by Alderman Gonzalez, seconded by Alderman Witte. Voice vote, ayes all. Motion carried. Executive session adjourned at approximately 7:25 p.m.

RESOLUTION #89-17
PL #97-17

By Alderman Dougherty, Seconded by Alderman Andreano

**RESOLUTION AUTHORIZING THE MAYOR TO SIGN THE POLICE COMMAND LABOR UNION
CONTRACT**

RESOLVED, that Mayor William J. Aiello is hereby authorized to sign the Labor Contract for the Police Command Unit in accordance with the settlement memorandum between the City and the Collective Bargaining Unit involved.

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

ADJOURNMENT

Motion to adjourn was made by Alderman Gonzalez, seconded by Alderman Andreano. Voice vote, ayes all. Motion carried. Meeting adjourned at approximately 6:50 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