

# **Journal of Proceedings**

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

November 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, November 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; 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 (as amended) of the November 14, 2017 meeting was made by Alderman Gonzalez, seconded by Alderman Dougherty. Voice vote, ayes all. Motion carried.*

**COMMITTEE REPORTS & UNFINISHED COUNCIL BUSINESS**

*Report from Committee of the Whole on PL #95-17, to authorize the installation of a street light on National Grid pole #14 on Walnut Street. Committee recommends approval. Referred to City Attorney for Resolution.*

**COMMUNICATIONS FROM THE MAYOR**

*Special Recognition of Team AKT*

**MISCELLANEOUS COMMUNICATIONS**

*None*

**CITY OFFICIAL REPORTS**

*Monthly Report of the City Auditor – month ended October 2017*

**PROPOSED LEGISLATION AND REFERRALS**

*PL #96-17: (Crawford) To authorize the sale of 1202 West Sullivan Street to a private entity. Referred to Strategic Planning Committee by Council President.*

*PL #97-17: (Gonzalez) To adopt Local Law #01-2017 prohibiting the occupancy of an existing structure after a change of ownership or change of occupancy classification until a Certificate of Occupancy has been issued by the City of Olean Department of Buildings and Code Enforcement. Referred to Public Safety Committee by Council President.*

**PUBLIC COMMENT/INPUT**

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*George Lapennas of 653 Garden Avenue stated that there are two conflicting areas in the Resolution to remove “No Parking” signs on East State Street. He stated that there are other “No Parking” signs authorized by the Code of Ordinances where there are no signs in the roadway, and no enforcement. He asked that the Council look into this.*

*Tom Morgan of 1721 West Fall Road thanked the Council for listening to their constituents. He stated that, as a former Alderman, he knows what sort of stress they are experiencing. He encouraged the Council to work with the State and County, as the City can't try to take the entire responsibility for the inspections that they plan to do. He doesn't feel that the City can handle all of this work, and will not be able to afford to do so. He doesn't want to see the Council adopt a law that they can't enforce.*

*Robert Morgan of East Avenue stated that a major concern is that the inspections will raise property values and rental costs in the City. He questioned if the Council has done a study on the potential effect on working class and impoverished people, and if not, would they be interested in supporting a study. Alderman Gonzalez stated that the Council is always willing to listen to anything that is brought to them. They are not oblivious to the impact. A direct study hasn't been done, but the Council has had numerous conversations.*

*Paul Hessney of 411 East State Street echoed Mr. Morgan's comments, that he has a great respect for the job the Council does. He knows that they are trying their best. He stated that the Council presented legislation on November 21, 2017 that they felt was substantially what the Council wanted. He hopes that the Council treats the law as a living, breathing organism and are open to dialogue and flexibility for the community.*

*Mr. Hessney continued in stating that he hopes that the Council will allow an opportunity for people to submit their ideas and counterarguments to them in writing, he hopes to see one more public hearing prior to the vote, and he would like to see the Council come back with a document that incorporates what they've heard and read, and one that is not written in stone.*

*Alderman Gonzalez stated that the discussion on this legislation began in February 2017. He keeps hearing everyone say that the Council is not discussing this, and that the public has not had a chance for input. The Council has in fact been discussing this for the past nine months, and there have been multiple opportunities to speak during public meetings, as well as via phone and email with the Aldermen. The Council will certainly consider everyone's opinions; however, it is an invalid argument to say that the public was not given a chance to speak.*

*Kevin Bartholomew of 737 Bishop Street stated that he may not like everything in this legislation, but it is a start. He feels that this should have been done years ago. He questioned if this will be reexamined, to see if changes need to be made. Alderman Gonzalez stated that the Council will always be open to comments and reexaminations; however, he cannot set a definitive timeline of when this will happen. Mr. Bartholomew stated that he also feels that landlords with more than a certain number of units should have to have licenses and insurance. He also questioned if the City would be able to handle this many inspections, and if landlords have any rights, as it seems that tenants have too many rights.*

*Alderman Crawford stated that, with anything that the Council proposes, it is more likely for people that oppose the legislation to come forward and speak. However, for each person that has come forward with issues with the proposed legislation, he has had five or six constituents call him to tell him thank you for doing this, that we*

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*need this legislation, and that the Council is doing a great job. Alderman George added that we do appreciate all of these comments. Everyone on the Council had concerns similar to these when this was first proposed. A lot of discussion, thought, and perseverance have gone into this, and it wasn't taken with a grain of salt. WE need to push forward.*

*Gordon Baldwin of 414 Prospect Avenue stated that he doesn't see anything in this legislation that helps good landlords. He feels that something should be included in the legislation to help landlords before it passes. He also expressed concern with a landlord who purchased more property in the City before reimbursing the City for demolition costs for one of the rentals she owned that burnt down. He expressed frustration with those who cross on North Union Street in places besides the crosswalks. At night it can be very hard to see these pedestrians.*

## **FINANCE / BILLS**

*By Alderman Crawford, 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 \$1,702,183.20 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 Dougherty. Voice vote, ayes all. Motion carried.*

*A motion to amend the agenda to include Resolution #95-17 was made by Alderman Gonzalez, seconded by Alderman Dougherty. Voice vote, ayes all. Motion carried.*

*A motion to amend Resolution #92-17 based on language presented by Mayor Aiello was made by Alderman Gonzalez, seconded by Alderman Dougherty. Voice vote, ayes all. Motion carried.*

### **RESOLUTION #92-17**

#### **PL #92-17**

*By Alderman Dougherty, Seconded by Alderman Gonzalez*

**TO AUTHORIZE THE REMOVAL OF "NO PARKING 3 P.M. TO 6 P.M." SIGNS ON THE SOUTH SIDE OF EAST STATE STREET BETWEEN BARRY STREET AND THE EAST STATE STREET BRIDGE, AND ON THE NORTH SIDE OF EAST STATE STREET BETWEEN CLINTON STREET AND THE EAST STATE STREET BRIDGE**

**RESOLVED**, *that the Common Council authorizes the removal of "No Parking 3 p.m. to 6 p.m." signs on the south side of East State Street between Barry Street and the East State Street Bridge, and on the north side of East State Street between Clinton Street and the East State Street Bridge.*

**RESOLVED**, *that this Resolution is effective immediately.*

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**ROLL CALL, AYES ALL. MOTION CARRIED.**

*A motion to postpone Resolution #93-17 to the Regular Meeting 12/12/2017, and refer the Resolution to the City Attorney to correct headings and definitions for consistency, was made by Alderman Gonzalez, seconded by Alderman Smith. Voice vote, ayes all. Motion carried.*

*Alderman Gonzalez noted that changes will be largely cosmetic and not substantive in nature.*

**RESOLUTION #93-17**

**PL #25-17**

*By Alderman Gonzalez, Seconded by Alderman Dougherty*

***TO AMEND AND REPLACE THE CITY OF OLEAN CODE OF ORDINANCES CHAPTER 12 IN ITS ENTIRETY WITH THE FOLLOWING CHAPTER 12, PROPERTY MAINTENANCE AND RESIDENTIAL OCCUPANCY CODE: ARTICLE I, PROPERTY MAINTENANCE CODE; ARTICLE II, RESIDENTIAL OCCUPANCY CERTIFICATES, AND ARTICLE III, RENTAL DWELLING REGISTRATION, INSPECTION***

***RESOLVED***, that the City of Olean Code of Ordinances Chapter 12 is hereby replaced in its entirety by the following:

***Chapter 12. Property Maintenance and Residential Occupancy Code.  
REFERRED TO CITY ATTORNEY FOR REVIEW.***

**RESOLUTION # 94-17**

**PL # 95-17**

*By Alderman George, Seconded by Alderman Andreano*

***AUTHORIZING THE INSTALLATION OF A STREET LIGHT ON  
NATIONAL GRID POLE #14 ON WALNUT STREET***

*WHEREAS, the public safety, health and welfare of the citizens of the City of Olean would be served if a street light be installed on National Grid pole #14 on Walnut Street,*

*RESOLVED, that the Common Council of the City of Olean directs that a one hundred (100) watt high pressure sodium vapor street light be installed on National Grid pole #14 on Walnut Street.*

***RESOLVED***, that this Resolution will be effective immediately.

**ROLL CALL, AYES ALL. MOTION CARRIED.**

*Mayor Aiello stated that we pass Resolution #95-17 on a regular basis. It allows for free parking during the shopping season, and the hope is that patrons will shop longer. It gives a break from the potential of a parking ticket during the holiday season.*

**RESOLUTION #95-17**

**PL #NONE**

*By Alderman George, Seconded by Alderman Witte*

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**RESOLUTION AUTHORIZING FREE PARKING ON WEST STATE STREET AND NORTH UNION STREET, AS WELL AS IN ALL CITY OF OLEAN PARKING LOTS, ON NOVEMBER 29, 2017 THROUGH JANUARY 1, 2018**

*IT IS RESOLVED, that there shall be free parking on West State Street and North Union Street, as well as in all City of Olean parking lots, on November 29, 2017 through January 1, 2018.*

**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 7:20 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*