

CITY OPERATIONS

Tuesday, June 20, 2017 – 5:30 p.m.

Police Training Room – Olean Municipal Building

Present: Members: Chairman Smith, Vice Chair Gonzalez, Alderman Dougherty, Alderman Andreano, and Alderman George. Others: Alderman Witte; Mayor William Aiello; Nicholas DiCerbo, Jr., City Attorney; Bob Bell, Fire Chief; Jeff Rowley, Police Chief; Ed Jennings, Code Enforcement Supervisor; Tiffany Taylor, Managerial Confidential Administrative Secretary, and Mike Marsfelder, Ward 2 resident.

1. Roll Call

Alderman Smith called the meeting to order at 5:30 p.m. and asked that the record show that all committee members were present.

2. Approval of Minutes of the Previous Committee Meeting (Tuesday, May 16, 2017)

A motion to approve the minutes of the Tuesday, May 16, 2017 meeting was made by Alderman Smith, seconded by Alderman Gonzalez. Voice vote, ayes all. Motion carried.

3. Unfinished Business

None

4. New Referrals for Consideration

- a. PL #54-17: (Andreano) To authorize the deed transfer for a property located along Kingston Drive in the City of Olean for \$1.00 to a citizen in exchange for necessary work to correct drainage issues in the area.

Alderman Andreano stated that, this past spring, she looked at Mr. Marsfelder's backyard after he came to her with issues regarding drainage. She stated that his house is on Kingston Drive near the intersection with Queen Street. To the left of his home is a park, which has a sewer line running to BOCES through the middle. To the right there is a paper street, and his entire backyard is a swamp. She stated that he has offered to fix the drainage issues himself if the City is willing to deed him the parcel behind his house.

Alderman Gonzalez questioned if the City had caused this issue. Mr. Marsfelder replied that the neighbor has dumped truckloads of chips on the paper street and that, in addition to drainage problems from that neighbor's house, has caused the drainage issues in his backyard. He stated that he has already put 200 feet of drainage tile around his house, but he can't fix the issues in the backyard without doing work in City property.

Mr. Jennings stated that Mr. Marsfelder is at the bottom of the hill, and the paper street is in a low lying area. There is a lot of sitting water. There will need to be a ditch and catch basins installed, among other necessary work that is needed.

Alderman Gonzalez questioned the cost, and it was unknown. Alderman Gonzalez questioned if anyone else is affected by this, and Alderman Andreano stated that he is at the bottom of the hill.

Alderman Andreano stated that we never used the park on the corner, and because of the sewer lines running beneath it, it cannot be developed into anything. Mr. DiCerbo stated that the process to be able to give away the park land doesn't involve the Council as much as it does the State. We need to follow the State's Alienation Act, and a part of this involves creating new park land when we remove any.

Mr. DiCerbo stated that once a park is reported to the State as a declared park, it is designated as a nonrenewable resource. Alderman George questioned if we have to match the footprint, and Mr. DiCerbo replied that it has to be close. Some ideas have been come up with to replace the land; however, the State Legislature is three days from the end of their session. He stated that we could begin the process, and we are also within our rights to do an easement so that Mr. Marsfelder can enter City property to do the work. Alderman George questioned if we could begin the process and give him the easement in the meantime, and Mr. DiCerbo stated that we probably could. However, the legislative session does not begin until October, and they usually don't get around to home rule requests (such as this) until towards the end of the session.

Mayor Aiello stated that we could have engineering look at the issues to give us a ballpark of the cost to fix them, if the City were to make the necessary corrections. Alderman Gonzalez agreed that we could start there, and Alderman Dougherty mentioned that legal fees could be expensive to go in the direction of requesting the State remove the park from the list.

Mr. Marsfelder stated that he doesn't want to give his 102 year old neighbor grief, when it is her son doing the work that causes the issues. He stated that this could simply be fixed by draining the neighbor's water into the street, but it is up to the City if they want to put in a catch basin just to eliminate one person's water.

Alderman Smith questioned if you have to keep your water on your own property, and Mr. DiCerbo replied that you are not supposed to create a hardship for your lower lying neighbor. Mr. Marsfelder stated that he has been there ten years and it has never been as bad as it is now.

Mayor Aiello stated that we will get an idea of the cost and what we can do, and we will go from there. Alderman Gonzalez stated that he feels that this is the right thing to do. Mr. DiCerbo stated that engineering will be meeting with Mr. Marsfelder to look at the issues.

A motion to postpone PL #54-17 to the next City Operations committee meeting was made by Alderman Andreano, seconded by Alderman Smith. Voice vote, ayes all. Motion carried.

5. Approval of Committee Reports

None

6. Adjournment

A motion to adjourn was made by Alderman Smith, seconded by Alderman Gonzalez. Voice vote, ayes all. Motion carried. Meeting adjourned at approximately 5:55 p.m.