

PUBLIC SAFETY

Tuesday, June 6, 2017 – 5:55 p.m.

Police Training Room – Olean Municipal Building

Present: Members: Chairman Gonzalez, Vice Chairman Andreano, Alderman Witte, Alderman Dougherty, Alderman Crawford, Alderman Smith, and Alderman George. Others: Mayor William Aiello; Nicholas DiCerbo, Jr., City Attorney; Mary George, Community Development Program Coordinator; Jeff Rowley, Police Chief; Bob Bell, Fire Chief; Ed Jennings. Code Enforcement Supervisor, and Tiffany Taylor, Managerial Confidential Administrative Secretary.

1. Roll Call

Alderman Gonzalez called the meeting to order at 5:55 p.m. and asked that the record show that all committee members were present.

2. Approval of Minutes of the Previous Committee Meeting (Wednesday, May 24, 2017)

A motion to approve the minutes of the Wednesday, May 24, 2017 meeting was made by Alderman Gonzalez, seconded by Alderman Crawford. Voice vote, ayes all. Motion carried.

3. Unfinished Business

- a. PL #25-17: (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 and Occupancy permits.

Alderman Dougherty stated that the Aldermen have had a couple of weeks to read through the proposed legislation, and he invited the Council to share their thoughts.

Alderman Smith stated that he disagrees with the City having to send notifications via certified mail. He stated that it is cumbersome and expensive, and he doesn't think we should have to use certified mail for anything. Alderman Witte questioned if this would create a negative impact when we are taking landlords and tenants to court, and Mr. DiCerbo stated that it won't. When there were previous changes in the grass law that entailed discontinuing certified mail notifications, we worked with NYCOM to ensure that removing the requirement would not affect court proceedings. Thus far, it has not.

Alderman Crawford questioned what the minimum standards that need to be met are. Mr. Jennings replied that there are codified minimum standards in the New York State Housing Code.

Alderman Crawford questioned the approximate number of rental units. Mr. Jennings replied that they are as follows: 634 single unit buildings, 472 double unit buildings, 112 three unit buildings, 78 four unit buildings, 27 five unit buildings, and 20 or so six plus unit buildings, not including the Olean Housing Authority property.

Alderman Andreano stated that she is not in agreement with inspecting an apartment every time someone moves in, especially when some apartments can have someone new move in every few weeks or every month. She doesn't understand the need to inspect so often. Mr. DiCerbo replied that what has been presented is simply a framework, and it is up to the Council to decide what they feel is reasonable in terms of frequency of inspections and what fees they would like to charge. He doesn't want them to get married to the numbers in the presented ordinance. He stated that he has also provided, via email, ordinances from several other municipalities that range from not so stringent to much more far reaching.

Alderman Andreano stated again that she doesn't like that in some 4, 5, 6 or more unit buildings, that there needs to be an inspection every time someone moves in. Mr. DiCerbo stated that if there are no complaints or issues, she is right, we shouldn't need to inspect as often. However, other apartments have the need to be inspected every time someone turns on a light. Alderman Gonzalez stated that we don't want to get into a situation where we are making judgment calls like this. This needs to be black and white, with all landlords on the same playing field with the same rules. He stated that to be fair, every rental unit should be inspected say, once a year, to be fair, no matter what kind it is.

Alderman Crawford replied that it may seem fair, but given the number of total units in the City, it may not be doable. When he had suggested inspections once a year previously, we assumed that there were 600 units in the City. Now we know that there are 2500 or so. We have to face that a few bad apples created this situation for everyone.

Alderman Smith stated that we would need to inspect 9 or 10 buildings a day to be able to inspect everything in one year. Alderman Andreano stated that there is no possible way that Ed and Ryan [in Code Enforcement] can do this, as they can't even keep up with the workload that they already have. Alderman Smith replied that he believes that we need inspectors who do only this, and Alderman Gonzalez stated that we would need to add two new bodies in the department that are not currently employees of the City. Alderman Crawford stated that he feels that the quality of the inspection is better than the quantity.

Alderman Crawford questioned if the rental inspection checklist would be the same as the one used for a transfer of title. Alderman Gonzalez stated that this is up to the Council to decide. Mr. DiCerbo added that the sample checklist that he provided is simply what Rochester uses, and is in no way exactly what the City needs to use. Alderman Gonzalez stated that we need to

structure this in a way that it is not impossible. Alderman Witte stated that we need to be realistic. Alderman Dougherty stated that this is not unheard of; other municipalities are already doing this.

Alderman Gonzalez questioned if anyone on the Council, or if anyone else in the room, wants to live in a City where the absolute minimum code requirements aren't met. When he talks to people in parts of his Ward, items on the sample checklist are a problem. Mayor Aiello stated that, when looking at the blight issue in the City, this is what we need to do to curb it. Alderman Crawford stated that it is unfortunate that the system is taken advantage of, and that people are taken advantage of.

Alderman Gonzalez stated that he has received a lot of criticism of the house sale requirement. He asked that Mr. DiCerbo explain why we want to require a Certificate of Occupancy when a house transfers in the City. Mr. DiCerbo responded that the first reason is to ensure that we comply with our DEC Order on Consent and our new Code Sewer Use Ordinance. We need to ensure that we inspect that the storm sewer is separated from the sanitary sewer. He stated that, in addition, it is common for other municipalities to do this inspection when a property transfers. For example, he believes that Allegany has done this since 1983. It allows Codes to inspect the property, but not to stop a sale. If necessary, they will placard the building as not habitable. When the City tax search is done we can send Codes out to inspect the property for habitability.

Alderman Smith questioned what happens if a home looks alright, but one toilet doesn't work. Mr. DiCerbo replied that we aren't going through to make sure toilets "work", we are just making sure that they have one. However, there is no grading system, and a house either passes and gets a Certificate of Occupancy, or fails.

Alderman Andreano questioned if this would delay a sale, and Alderman Crawford stated that it won't. It will just prevent the buyers from occupying the premises. Mr. Jennings stated that Code Enforcement would send a letter to the purchaser that the building cannot be occupied until certain terms are complied with. Alderman Andreano questioned if banks would catch these issues before the sale. Mr. DiCerbo stated that for most sales, the inspection is just a formality because when a bank is involved, a home inspection is required that is more in depth than what Codes is doing. This will more affect cash deals that are cash deals for a reason, where no in depth home inspection is required in order for financing to occur.

Alderman Gonzalez stated that every time the County has a tax auction, there is an uproar because people don't want "bad" landlords to obtain property and turn it into rental housing without bringing it up to Code (thus continuing the blight issue). The requirement to inspect

when a title is transferred would stop this from happening. The landlords will either stop purchasing the homes, or they will ensure that they are fixed up before renting them out.

Alderman Dougherty stated that this is similar to buying a car. You don't buy a car to drive with no engine, you fix up the car before you drive it. You should have to fix up a home, at least to certain minimum standards, before you occupy it or rent it out. You get your car inspected to ensure that it meets certain safety standards before it is put on the road, and there are penalties if you do not. We should do the same thing with homes and rentals.

Alderman Crawford stated that this is in the public interest. The County inspects restaurants, and just like that, we need to make sure that rentals are safe. We need to make sure that when a rental takes place, that the renter can safely live in their home.

Alderman Gonzalez stated that he thinks that the number of rentals is much more than anticipated. He feels that a Certificate of Occupancy needs to have a life span, but we need to determine how long that is. He is unsure if one year is doable.

Alderman Crawford stated that if the home is owner occupied, the inspection occurs once at the time of title transfer, and that's it. No additional inspections down the road. Alderman Dougherty stated that Codes will also still investigate complaints and issues outside of the inspections, in case something happens in between them that isn't addressed.

Alderman Witte questioned if Codes could just go in and inspect a home if they thought it wasn't habitable. Mr. DiCerbo replied that we must believe that there is imminent danger. Chief Bell stated that we did run into issues at one point with a certain property. There are mechanisms in the legislation to gain access with Court approval to prevent issues.

Alderman Smith stated that before this was presented to him, he wasn't aware of the framework. He worried about the invasion of privacy and overreaching of government, but he doesn't feel that this legislation does this. He knows that people don't like this for a myriad of reasons, but he invites anyone to share with the Council if they have a better idea of how to cure the blight in Olean. Alderman Gonzalez added that we cannot go after just the bad landlords here.

Alderman Smith stated that from his own personal experience in business, he experiences many different kinds of inspections. From his sense it does not appear to overreach. Periodic inspections are a part of doing business. We need to ensure that rentals adhere to minimum standards.

Alderman Andreano questioned where we go from here. She stated that it seems that the meat of the legislation is okay, and the issues reside in the frequency of inspections, the cost of the

inspection, and how we will staff to ensure this can be done. As long as we can rectify these few issues, she feels comfortable moving forward. We need to figure out how we will pull this off.

Alderman Gonzalez stated that the two big blanks of frequency and cost could lead to answers regarding the staffing issue. He asked that the Council look at the number of rentals and bring to the next meeting their ideas of frequency of inspections and the fee for inspections. We can then take it from there.

Alderman Andreano asked if Mr. Jennings could look at the presented checklist and bring back an idea of how many inspections could be done per day, and what the inspections could entail.

Chief Bell reminded the Council that there will be reinspections as well on some properties. Alderman Crawford mentioned that the first reinspection would be included in the original cost, and there would be additional costs for any additional reinspection. Alderman Witte stated that once people get used to these inspections, she feels that the reinspection numbers will go down.

Alderman Crawford questioned what Codes would do if they were to go to an inspection and see something illegal, such as drugs. Mr. Jennings stated that the inspection would come to an end at that point and he would discuss the issue with the police department. As the inspections are scheduled in advance, the tenants have plenty of notice to “hide” anything that they don’t want us to see.

Alderman Smith stated that he has received mixed landlord reviews, but there are some landlords who see the blighted properties driving down their property values and damaging their rental properties. They feel that this is long overdue.

Alderman Gonzalez reminded the Council to review ideas for costs and frequency of inspections and bring them back to the next meeting.

Alderman Witte urged everyone to make sure that the public is aware of any upcoming meetings where we are seeking public input on this proposed legislation. Mr. DiCerbo encouraged the landlords not to wait for this, and to contact their Alderman or the Mayor in the meantime so that we can take their ideas into consideration.

A motion to postpone PL #25-17 to the next Public Safety meeting was made by Alderman Gonzalez, seconded by Alderman Dougherty. Voice vote, ayes all. Motion carried.

4. New Referrals for Consideration

a. Discussion – Code Enforcement (Andreano)

Alderman Andreano stated that she keeps bringing up Code Enforcement, and she feels that we need to have a conversation. She stated that she is always calling them with issues, and there are a lot of real issues in her Ward. She stated that Mr. Jennings is just one person, and the office secretary can't go out in the field. If we pass this huge new legislation, we need to try to fix the issues that we already have in the meantime.

Mayor Aiello stated that we are working with Civil Service to put a part time position in the Codes office. There are also some personnel issues that he cannot comment on that we are still trying to work out.

Alderman Gonzalez questioned if the previously discussed PL is passed, will it lighten the load for the other Code Enforcement officers, as we are being proactive about blight rather than reactive? Mr. Jennings replied that it does take up a lot of time. However, day to day Code Enforcement work is completely different than what the Council is proposing. They also deal with permits, construction, inspections, and contractors, among other things. Although blight is a part of their job, there are a lot of other things that they do. Unfortunately, they are unable to do what they are supposed to, to the best of their ability, because one person is not enough to handle the complaint calls that they receive in addition to their other work.

Alderman Gonzalez questioned how many people are needed, and Mr. Jennings replied that one or so should be adequate for the time being. Alderman Witte stated that she doesn't feel that this is nearly enough.

Alderman Andreano questioned if there is anything else that the Council can do to alleviate the issues currently facing Code Enforcement, and Mr. Jennings replied that manpower is the biggest thing.

Chief Bell stated that, right now when we have to notify people via certified mail, we are giving them longer to get away with things. Mr. Jennings added that there is a \$6 plus cost each time we send a certified letter. This could be removed from the Code to save some time and work.

Alderman Gonzalez stated that it is the Mayor's decision on how many people we hire in Codes, but in the meantime the Aldermen should still look into the cost and frequency of inspections previously discussed and go from there. Mayor Aiello added that we all should work together in a team effort to make these decisions. We should also look at whether we should hire full or part time Code Enforcement Officers.

b. Discussion – Neighborhood Task Force Update (Andreano)

Alderman Andreano stated that she would like to hold the first meeting on June 28th. Prior to this, the Mayor needs to approve the committee members. She would like to see two people

per ward. At the first meeting, as an organizational meeting, she would like to prevent the ground rules and future meeting frameworks. She would like to ensure that the committee knows that while it is okay to discuss what they are doing in their neighborhoods, we are not going to be discussing what their issues are.

Mayor Aiello stated that he has not yet been approached by any of the Aldermen with names for the committee, and Alderman Andreano replied that she would like the Aldermen to send names to the Mayor to get approval prior to the 28th.

Alderman Smith recommended 6:00 p.m. as a meeting time.

Alderman Andreano questioned if we could use City property to hold the meeting, and Mayor Aiello replied that we could hold the meeting at the John J. Ash Community Center.

Alderman Andreano questioned if we should get notice out for the meeting, or if we should wait, get the members of the committee approved and then send out letters. Alderman Witte stated that she feels that the first meeting should be just the Council and the committee members, so we can get ground rules set before the meetings are open to the public. Mayor Aiello stated that if four or more Aldermen are there it needs to be a public meeting.

5. Approval of Committee Reports

None

6. Adjournment

A motion to adjourn was made by Alderman Gonzalez, seconded by Alderman Andreano. Voice vote, ayes all. Motion carried. Meeting adjourned at approximately 7:15 p.m.