

Journal of Proceedings

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

July 8, 2025

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, July 8, 2025 at 7:55 p.m.

PRESENT: *Aldermen Crawford, Bennion, McCall, Robinson, and Anastasia*

ABSENT: *Alderman Forney (Ward 2 Vacant)*

OFFICIALS: *Mayor William Aiello; Frank Caputo, City Clerk; Lens Martial, City Auditor; Bridget Marshall, City Attorney; James Sprague, Director of Public Works; Capt. Dave Bauer, Code Enforcement Supervisor, and Tiffany Taylor, Managerial Confidential Administrative Secretary*

At this time a prayer was given by Mr. Caputo, followed by a salute to the flag.

READING, CORRECTING, AND APPROVAL OF THE MINUTES OF THE PREVIOUS REGULAR MEETING

A motion to approve the minutes of the June 24, 2025 Regular Meeting was made by Alderman Crawford, seconded by Alderman Bennion. Voice vote, ayes all. Motion carried.

COMMITTEE REPORTS & UNFINISHED COUNCIL BUSINESS

Report from Committee of the Whole on PL #73-25, to award the 2025 Pavement Preparation and Overlay Contract to Lake Shore Paving in an amount not to exceed \$2,331,808.00. Committee recommends approval. Referred to City Attorney for Resolution.

Report from Committee of the Whole on PL #76-25, to award the Cattaraugus County-Olean Airport Apron and Automobile Parking Rehabilitation Contract to Lake Shore Paving in an amount of \$870,362.38. Committee recommends approval. Referred to City Attorney for Resolution.

Report from Committee of the Whole on PL #77-25, to authorize the Mayor to execute a Grant Agreement with the U.S. Department of Transportation's Federal Aviation Administration for funding associated with the Cattaraugus County – Olean Airport Terminal Pedestrian and AOA (Airport Operations Area) Vehicle Gate Replacement Design Portion. Committee recommends approval. Referred to City Attorney for Resolution.

Report from Committee of the Whole on PL #78-25, to authorize the removal of unused, non-working lighting on North Union Street. Motion defeated.

COMMUNICATIONS FROM THE MAYOR

None

MISCELLANEOUS COMMUNICATIONS

None

CITY OFFICIAL REPORTS

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None

PROPOSED LEGISLATION AND REFERRALS

PL #73-25: (Aiello) To award the 2025 Pavement Preparations and Overlay Contract to Lake Shore Paving in an amount not to exceed \$2,331,808.00. Referred to Committee of the Whole Tuesday, July 8, 2025 by Council President.

PL #74-25: (Aiello) To rename Capital Fund #188 to “Department of Fire, Building, and Emergency Services Vehicle Replacement.” Referred to Regular Meeting Tuesday, July 8, 2025 for Resolution by Council President.

PL #75-25: (Bennion) To authorize the transfer of \$1,500 from line item 1210.465 to line item 1320.462 for costs associated with travel and training for the City Auditor. Referred to Regular Meeting Tuesday, July 8, 2025 for Resolution by Council President.

PL #76-25: (Aiello) To award the Cattaraugus County – Olean Airport Apron and Automobile Parking Rehabilitation Contract to Lake Shore Paving in an amount of \$870,362.38. Referred to Committee of the Whole Tuesday, July 8, 2025 by Council President.

PL #77-25: (Aiello) To authorize the Mayor to execute a Grant Agreement with the U.S. Department of Transportation’s Federal Aviation Administration for funding associated with the Cattaraugus County – Olean Airport Terminal Pedestrian and AOA Vehicle Gate Replacement Design. Referred to Committee of the Whole Tuesday, July 8, 2025 by Council President.

PL #78-25: (Bennion) To authorize the removal of unused, non-working lighting on North Union Street. Referred to Committee of the Whole Tuesday, July 8, 2025 by Council President.

FINANCE / BILLS

None

RESOLUTIONS

LOCAL LAW #02-2025

PL #NONE

By Alderman McCall, Seconded by Alderman Bennion

TO ENACT A LOCAL LAW ADOPTING ZONING PROVISIONS FOR SOLAR ENERGY SYSTEMS

BE IT ENACTED by the City of Olean Common Council as follows:

1. Authority

This Solar Energy Local Law is adopted pursuant to sections 19 and 20 of the City law and section 20 of the Municipal Home Rule Law of the State of New York, which authorizes the City of Olean to adopt zoning provisions that advance and protect the health, safety, and welfare of the community, and in accordance with the City law of the State of New York, “to make provision for, so far as conditions may permit, the accommodation of Solar Energy Systems and equipment and access to sunlight necessary therefore.”

2. Statement of Purpose

This Solar Energy Local Law is adopted to advance and protect the public health, safety, and welfare of the City of Olean by creating regulations for the installation and use of solar energy generating systems and equipment, with the following objectives:

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- A. To take advantage of a safe, abundant, renewable and non-polluting energy resource;
- B. To decrease the cost of electricity to the owners of residential and commercial properties, including single-family houses;
- C. To increase employment and business development in the City of Olean, to the extent reasonably practical, by furthering the installation of Solar Energy Systems;
- D. To mitigate the impacts of Solar Energy Systems on environmental resources such as important agricultural lands, forests, wildlife and other protected resources; and
- E. To create synergy between solar and other stated goals of the community pursuant to its Comprehensive Development Plan 2025-2024.

3. Definitions

ACTIVE AGRICULTURAL LAND: Land used for a Farm Operation in accordance with Agriculture and Markets Law §301 – uses of which include production of crops, livestock, and livestock products – within the past 5 years.

BATTERY ENERGY STORAGE SYSTEM (“BESS”): One or more devices, assembled together, capable of storing energy in order to supply electrical energy at a future time (not to include a stand-alone 12 volt car battery or an electric motor vehicle).

BUILDING-INTEGRATED SOLAR ENERGY SYSTEM: A combination of Solar Panels and Solar Energy Equipment integrated into any building envelope system such as vertical facades, semitransparent skylight systems, roofing materials, or shading over windows, which produces electricity for onsite consumption.

FACILITY AREA: The cumulative land area occupied during the commercial operation of the solar energy generating facility. This shall include all areas and equipment within the facility’s perimeter boundary – including the solar energy system, onsite interconnection equipment, onsite electrical energy storage equipment, and any other associated equipment – as well as any site improvement beyond the facility’s perimeter boundary such as access roads, permanent parking areas, or other permanent improvements. The facility area shall not include site improvements established for impact mitigation purposes, including but not limited to vegetative buffers and landscaping features.

FARM OPERATION: Land and on-farm buildings, equipment, facilities, and practices which contribute to the production, preparation, and marketing of crops, livestock, and livestock products as a commercial enterprise (in accordance with Agriculture & Markets Law § 301[11]).

GLARE: The effect by reflections of light with intensity sufficient as determined in a commercially reasonable manner to cause annoyance, discomfort, or loss in visual performance and visibility in any material respects.

GROUND MOUNTED SOLAR ENERGY SYSTEM: A Solar Energy System which is secured to the ground via a pole, ballast system, or other mounting system; is detached from any other structure; and which generates electricity for onsite or offsite consumption. For the purposes of this law, canopy-mounted solar systems which are elevated, but not mounted on a roof, are treated as Ground-Mounted Solar Energy Systems.

KILOWATT (kW): A unit of power equal to 1,000 watts. The nameplate capacity of residential and commercial solar energy systems may be described in terms of kW.

MEGAWATT (MW): A unit of power equal to 1,000 kW. The nameplate capacity of larger solar energy systems may be described in terms of MW.

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MINERAL SOIL GROUPS 1-4 (MSG 1-4): Soils recognized by the New York State (NYS) Department of Agriculture and Markets as having the highest value based on soil productivity and capability, in accordance with the uniform statewide land classification system developed for the NYS Agricultural Assessment Program.

NAMEPLATE CAPACITY: A solar energy system's maximum electrical power output under optimal operating conditions. Nameplate Capacity may be expressed in terms of Alternating Current (AC) or Direct Current (DC).

NATIVE PERENNIAL VEGETATION: Native wildflowers, forbs, and grasses that serve as habitat, forage, and migratory way stations for Pollinators and shall not include any prohibited or regulated invasive species as determined by the NYS Department of Environmental Conservation.

ON-FARM SOLAR ENERGY SYSTEM: A Solar Energy System located on a farm which is a "farm operation" (as defined by Article 25-AA of the Agriculture and Markets Law, which may include one or multiple contiguous or non-contiguous parcel(s) in an agricultural district, which is designed, installed, and operated so that the anticipated annual total amounts of electrical energy generated do not exceed more than 110 percent of the anticipated annual total electrical energy consumed by the farm operation.

POLLINATOR: Bees, birds, bats, and other insects or wildlife that pollinate flowering plants, and includes both wild and managed insects.

ROOF-MOUNTED SOLAR ENERGY SYSTEM: A Solar Energy System located on the roof of any legally permitted building or structure that produces electricity for onsite or offsite consumption. For the purposes of this law, canopy-mounted solar systems installed on the roof of a structure are treated as Roof-Mounted Solar Energy Systems.

SOLAR ACCESS: Space open to the sun and clear of overhangs or shade so as to permit the use of active and/or passive Solar Energy Systems on individual properties.

SOLAR ENERGY EQUIPMENT: Electrical material, hardware, inverters, conduit, energy storage devices, or other electrical and photovoltaic equipment associated with the production and storage of electricity.

SOLAR ENERGY SYSTEM: The components and subsystems required to convert solar energy into electric energy suitable for use. The term includes, but is not limited to, Solar Panels and Solar Energy Equipment. A Solar Energy System is classified as a Tier 1, Tier 2, Tier 3, or Tier 4 Solar Energy System as follows:

A. Tier 1 Solar Energy Systems include the following:

- a. Roof-Mounted Solar Energy Systems.*
- b. Building-Integrated Solar Energy Systems.*
- c. Ground-Mounted Solar Energy Systems with a Nameplate Capacity of up to 25 kW AC OR Ground-Mounted Solar Energy Systems with a total solar panel surface area of up to 4,000 square feet.*
- d. On-Farm Solar Energy Systems*

Tier 1 Solar Energy Systems are authorized in within the City of Olean subject to the requirements and regulations of this Chapter.

B. Tier 2 Solar Energy Systems include the following:

- a. Ground-Mounted Solar Energy Systems not included under Tier 1 Solar Energy Systems with a Nameplate Capacity of up to 1 MW AC and which generate no more than 110% of the electricity consumed on the site over the previous 12 months OR Ground-Mounted Solar Energy Systems not*

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included under Tier 1 Solar Energy Systems with a Facility Area of up to 8 acres in size and which generate up to 110% of the electricity consumed on the site over the previous 12 months.

Tier 2 Solar Energy Systems are prohibited within the City of Olean.

C. Tier 3 Solar Energy Systems include the following:

- a. Ground-Mounted Solar Energy Systems not included under Tier 1 or Tier 2 Solar Energy Systems with a Nameplate Capacity of up to 5 MW AC OR Ground-Mounted Solar Energy Systems not included under Tier 1 or Tier 2 Solar Energy Systems with a Facility Area of up to 40 acres in size.*

Tier 3 Solar Energy Systems are prohibited within the City of Olean.

D. Tier 4 Solar Energy Systems are Solar Energy Systems which are not included under Tier 1, Tier 2, or Tier 3 Solar Energy Systems.

Tier 4 Solar Energy Systems are prohibited within the City of Olean.

SOLAR PANEL: A photovoltaic device capable of collecting and converting solar energy into electricity.

4. Applicability

- A. The requirements of this Local Law shall apply to all Solar Energy Systems permitted, installed, or modified in the City of Olean after the effective date of this Local Law, excluding general maintenance and repair.*
- B. Solar Energy Systems constructed or installed prior to the effective date of this Local Law shall not be required to meet the requirements of this Local Law.*
- C. Modifications to an existing Solar Energy System that increase the Facility Area by more than 5% of the original Facility Area (exclusive of moving any fencing) shall be subject to this Local Law.*

5. General Requirements

- A. A building permit shall be required for installation of all Solar Energy Systems.*
- B. Prior to the issuance of a building permit or final approval by Code Enforcement, construction and/or plan documents must be signed and stamped by a New York State Licensed Professional Engineer or New York State Registered Architect.*
- C. Issuance of permits and approvals by Code Enforcement for Tier 1 Ground-Mounted Solar Energy Systems shall include review pursuant to the State Environmental Quality Review Act (ECL Article 8 and its implementing regulations at 6 NYCRR Part 617 [“SEQRA”]).*
- D. All Solar Energy Systems shall be designed, erected, and installed in accordance with all applicable codes, regulations, and industry standards as referenced in the NYS Uniform Fire Prevention and Building Code (“Uniform Code”), the NYS Energy Conservation Code (“Energy Code”), and the City of Olean Code of Ordinances.*

6. Permitting Requirements for Tier 1 Solar Energy Systems

All Tier 1 Solar Energy Systems shall be permitted in all zoning districts and shall be exempt from site plan review under the local zoning code or other land use regulation, subject to the following conditions for each type of Solar Energy System:

- A. Roof-Mounted Solar Energy Systems*

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- a. *Roof-Mounted Solar Energy Systems shall incorporate, when feasible, the following design requirements (exceptions may be approved by Code Enforcement):*
 - i. *Solar Panels on pitched roofs shall be mounted with a maximum distance of 8 inches between the roof surface and the highest edge of the system.*
 - ii. *Solar Panels on pitched roofs shall be installed parallel to the roof surface on which they are mounted or attached.*
 - iii. *Solar Panels on pitched roofs shall not extend higher than the highest point of the roof surface on which they are mounted or attached.*
 - iv. *Solar Panels on flat roofs shall not extend above the top of the surrounding parapet, or more than 24 inches above the flat surface of the roof, whichever is higher.*
- b. *Glare. All Solar Panels shall have anti-reflective coating(s).*
- c. *Height. All Roof-Mounted Solar Energy Systems shall be subject to the maximum height regulations specified for principal and accessory buildings within the underlying zoning district.*

B. Building-Integrated Solar Energy Systems

- a. *Building-Integrated Solar Energy Systems shall be shown on the plans submitted for the building permit application or the building containing the system.*

C. Ground-Mounted Solar Energy Systems

- a. *Glare. All Solar Panels must have anti-reflective coating(s).*
- b. *Setbacks. Tier 1 Solar Energy Systems shall be subject to the setback regulations specified for the accessory structures within the underlying zoning district. All Ground-Mounted Solar Energy Systems shall only be installed in the side or rear yard in residential districts.*
- c. *Height. Tier 1 Solar Energy Systems shall be subject to the height limitation specified for accessory structures within the underlying zoning district.*
- d. *Lot Size. Tier 1 Solar Energy Systems shall comply with the existing lot size requirement specified for accessory structures within the underlying zoning district.*
- e. *Lot coverage. Tier 1 Solar Energy Systems are exempt from the lot coverage requirements in the underlying zoning district.*
- f. *Screening and Visibility.*
 - i. *All Tier 1 Energy Solar Systems shall have views minimized from adjacent properties to the extent reasonably practical.*
 - ii. *Solar Energy Equipment shall be located in a manner to reasonably avoid and/or minimize blockage of views from surrounding properties and shading of the property to the north, while still providing adequate Solar Access.*

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iii. *Ground-Mounted Solar Systems shall require privacy fencing to be installed in accordance with City of Olean Code of Ordinances Chapter 28, Article 10.*

7. *Safety*

- A. *Solar Energy Systems and Solar Energy Equipment shall be certified under the applicable electrical and/or building codes as required.*
- B. *Solar Energy Systems shall be maintained in good working order and in accordance with industry standards. Site access shall be maintained, including snow removal at a level acceptable to the local fire department.*
- C. *If a Battery Energy Storage System is included as part of the Solar Energy System, they shall meet the requirements of any applicable fire prevention and building code when in use and, when no longer used, shall be disposed of in accordance with the laws and regulations of the City of Olean and any applicable federal, state, or county laws or regulations.*

8. *Permit Timeframe and Abandonment*

- A. *The Building Permit and approval by Code Enforcement for a Solar Energy System shall be valid for a period of 12 months, provided that construction is commenced. In the event construction is not completed in accordance with submitted plans – as may have been amended and approved – as required by Code Enforcement within 12 months, the applicant may request to extend the time to complete construction for 12 months. Approval of a request to extend the time to complete construction shall not be unreasonably withheld by the City of Olean. If the owner and/or operator fails to perform substantial construction within 24 months, the approvals shall expire.*
- B. *Upon cessation of electricity generation of a Solar Energy System on a continuous basis for 12 months, the City of Olean may notify and instruct the owner and/or operator of the Solar Energy System to implement decommissioning of the Solar Energy System. The decommissioning must be completed within 12 months of the notification.*

9. *Enforcement*

Any violation of this Solar Energy Law shall be subject to the same enforcement requirements, including the civil and criminal penalties, provided for within the General Provisions of the City of Olean Code of Ordinances.

10. *Severability*

The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision, or phrase of the aforementioned sections, as declared by the valid judgement of any court of competent jurisdiction to be unconstitutional, shall not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision, or phrase, which shall remain in full force and effect.

11. *Effective Date*

This Local Law shall be effective immediately upon filing by the office of the New York State Secretary of State or as otherwise provided by law.

ROLL CALL, AYES ALL. MOTION CARRIED.

LOCAL LAW #03-2025

PL #xx-25

By Alderman Crawford, Seconded by Alderman Anastasia

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TO ENACT A LOCAL LAW ADOPTING ZONING PROVISIONS FOR BATTERY ENERGY STORAGE SYSTEMS

BE IT ENACTED by the City of Olean Common Council as follows:

1. Authority

This Battery Energy Storage System Law is adopted pursuant to Article IX of the New York State Constitution, §2(c)(6) and (10), New York Statute of Local Governments, §10(1) and (7), sections 19 and 20 of the City Law and section 10 of the Municipal Home Rule Law of the State of New York, which authorize the City of Olean to adopt zoning provisions that advance and protect the health, safety and welfare of the community.

2. Statement of Purpose

This Battery Energy Storage System Law is adopted to advance and protect the public health, safety, welfare, and quality of life of the City of Olean by creating regulations for the installation and use of battery energy storage systems, with the following objectives:

- A. To provide a regulatory scheme for the designation of properties suitable for the location, construction, and operation of battery energy storage systems;*
- B. To ensure compatible land uses in the vicinity of the areas affected by battery energy storage systems;*
- C. To mitigate the impacts of battery energy storage systems on environmental resources such as forests, wildlife, and other protected resources; and*
- D. To create synergy between battery energy storage system development and other stated goals of the community pursuant to the City of Olean Comprehensive Development Plan 2025 – 2045.*

3. Definitions

As used in this Chapter, the following terms shall have the meanings indicated:

ANSI: American National Standards Institute

BATTERY(IES): A single cell or a group of cells connected together electrically in series, in parallel, or a combination of both which can charge, discharge, and store energy electrochemically. For the purposes of this law, batteries utilized in consumer products are excluded from the requirements.

BATTERY ENERGY STORAGE MANAGEMENT SYSTEM: An electronic system that protects energy storage systems from operating outside their safe operating parameters and disconnects electrical power to the energy storage system or places it in a safe condition if potentially hazardous temperatures or other conditions are detected.

BATTERY ENERGY STORAGE SYSTEM: One or more devices, assembled together, capable of storing energy in order to supply electrical energy at a future time, not to include a stand-alone 12-volt car battery or an electric motor vehicle. A battery energy storage system is classified as a Tier 1 or Tier 2 Battery Energy Storage System as follows:

- A. Tier 1 Battery Energy Storage Systems have an aggregate energy capacity of less than or equal to 600kWh and, if in a room or enclosed area, consist of only a single energy storage system technology.*
- B. Tier 2 Battery Energy Storage Systems have an aggregate energy capacity greater than 600kWh or are comprised of more than one storage battery technology in a room or enclosed area For the purposes of this Law, Tier 2 Battery Energy Storage Systems up to 1,200 kWh for on-site usage only shall be allowed within the City of Olean.*

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CELL: The basic electrochemical unit, characterized by an anode and a cathode, used to receive, store, and deliver electrical energy.

COMMISSIONING: A systematic process that provides documented confirmation that a battery energy storage system functions according to the intended design criteria and complies with applicable code requirements.

DEDICATED-USE BUILDING: A building that is built for the primary intention of housing battery energy storage system equipment, is classified as Group F-1 occupancy as defined in the international Building Code, and complies with the following:

- A. The building's only use is battery energy storage, energy generation, and other electrical grid-related operations.*
- B. No other occupancy types are permitted in the building.*
- C. Occupants in the rooms and areas containing battery energy storage systems are limited to personnel that operate, maintain, service, test, and repair the battery energy storage system and other energy systems.*

ENERGY CODE: the New York State Energy Conservation Construction Code adopted pursuant to Article 11 of the Energy Law, as currently in effect and as hereafter amended from time to time.

FIRE CODE: The fire code section of the New York State Uniform Fire Prevention and Building Code adopted pursuant to Article 18 of the Executive Law, as currently in effect and as hereafter amended from time to time.

NATIONALLY RECOGNIZED TESTING LABORATORY (NRTL): A U.S. Department of Labor designation recognizing a private sector organization to perform certification for certain products to ensure that they meet the requirements of both the construction and general industry OSHA electrical standards.

NEC: National Electric Code

NFPA: National Fire Protection Agency

NON-DEDICATED USE BUILDING: All buildings that contain a battery energy storage system and do not comply with the dedicated-use building requirements.

OCCUPIED COMMUNITY BUILDING: Any building in Occupancy Group A, B, E, I, R, as defined in the International Building Code, including but not limited to schools, colleges, daycare facilities, hospitals, correctional facilities, public libraries, theaters, stadiums, apartments, hotels, and houses of worship.

UNIFORM CODE: The New York State Uniform Fire Prevention and Building Code adopted pursuant to Article 18 of the Executive Law, as currently in effect and as hereafter amended from time to time.

4. Applicability

- A. The requirements of this Local Law shall apply to all battery energy storage systems permitted, installed, or modified in the City of Olean after the effective date of this Local Law, excluding general maintenance and repair.*
- B. Battery energy storage systems constructed or installed prior to the effective date of this Local Law shall not be required to meet the requirements of this Local Law.*
- C. Modifications to, retrofits or replacements of an existing battery energy storage system that increase the total battery energy storage system designated discharge duration or power rating shall be subject to this Local Law.*

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5. General Requirements

- A. *A building permit and an electrical permit shall be required for installation of all battery energy storage systems.*
- B. *Issuance of permits and approvals by Code Enforcement shall include review pursuant to the State Environmental Quality Review Act (ECL Article 8 and its implementing regulations at 6 NYCRR Part 617 [“SEQRA”]).*
- C. *All battery energy storage systems, all Dedicated Use Buildings, and all other buildings or structures that (1) contain or are otherwise associated with a battery energy storage system and (2) subject to the Uniform Code and/or the Energy Code shall be designated, erected, and installed in accordance with all applicable provisions of the Uniform Code, all applicable provisions of the Energy Code, and all applicable provisions of the codes, regulations, and industry standards as referenced in the Uniform Code, the Energy Code, and the City of Olean Code of Ordinances.*

6. Permitting Requirements for Tier 1 Battery Energy Storage Systems

Tier 1 Battery Energy Storage Systems shall be permitted in all zoning districts, subject to the Uniform Code and the “Battery Energy Storage System Permit,” and exempt from site plan review.

7. Permitting Requirements for Tier 2 Battery Energy Storage Systems

Tier 2 Battery Energy Storage Systems up to 1,200 kWh for on-site use are permitted through the issuance of an operating permit by Code Enforcement within commercial and industrial zoning districts, and shall be subject to the Uniform Code and the operating permit requirements set forth in this Section.

- A. *Applications for the installation of Tier 2 Battery Energy Storage Systems up to 1,200 kWh for on-side use only shall be reviewed by Code Enforcement. Tier 2 Battery Energy Storage Systems greater than 1,200 kWh and/or those for direct use to the grid shall not be permitted within the City of Olean.*

B. Decommissioning.

- a. *Decommissioning Plan. The applicant shall submit a decommissioning plan, developed in accordance with the Uniform Code, to be implemented upon abandonment and/or in conjunction with removal from the facility. The decommissioning plan shall include:*

- i. *A narrative description of the activities to be accomplished, including who will perform that activity and at what point in time, for complete physical removal of all battery energy storage system components, structures, equipment, security barriers, and transmission lines from the site;*
- ii. *Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations;*
- iii. *The anticipated life of the battery energy storage system;*
- iv. *The estimated decommissioning costs and how said estimate was determined;*
- v. *The method of ensuring that funds will be available for decommissioning and restoration;*
- vi. *The method by which the decommissioning cost will be kept current;*

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- vii. *The manner in which the site will be restored, including a description of how any changes to the surrounding areas and other systems adjacent to the battery energy storage system, such as, but not limited to, structural elements, building penetrations, means of egress, and required fire detection suppression systems, will be protected during decommissioning and confirmed as being acceptable after the system is removed; and*
 - viii. *A listing of any contingencies for removing an intact operational energy storage system from service, and for removing an energy storage system from service that has been damaged by a fire or other event.*
 - b. *Decommissioning Fund. The owner and/or operator of the energy storage system, shall continuously maintain a fund or bond payable to the City of Olean, in a form approved by the City of Olean for the removal of the battery energy storage system, in an amount to be determined by the City of Olean for the period of the life of the facility. This fund may consist of a letter of credit from a State of New York licensed-financial institution. All costs of the financial security shall be borne by the applicant.*
- C. *Operating Permit application. For a Tier 2 Battery Energy Storage System requiring an Operating Permit, review by Code Enforcement shall be required. An Operating Permit application shall include the following information:*
- a. *Property lines and physical features, including roads, for the project site.*
 - b. *A one- or three-line electrical diagram detailing the battery energy storage system layout, associated components, and electrical interconnection methods, with all National Electrical Code compliant disconnects and over current devices.*
 - c. *A preliminary equipment specification sheet that documents the proposed battery energy storage system components, inverters and associated electrical equipment that are to be installed. A final equipment specification sheet shall be submitted prior to the issuance of building permit.*
 - d. *Name, address, and contact information of proposed or potential system installer and the owner and/or operator of the battery energy storage system. Such information of the final system installer shall be submitted prior to the issuance of building permit.*
 - e. *Name, address, phone number, and signature of the project Applicant, as well as all the property owners, demonstrating their consent to the application and the use of the property for the battery energy storage system.*
 - f. *Zoning district designation for the parcel(s) of land comprising the project site.*
 - g. *Commissioning Plan. Such plan shall document and verify that the system and its associated controls and safety systems are in proper working condition per requirements set forth in the Uniform Code. Where commissioning is required by the Uniform Code, Battery energy storage system commissioning shall be conducted by a New York State (NYS) Licensed Professional Engineer after the installation is complete but prior to final inspection and approval. `A corrective action plan shall be*

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developed for any open or continuing issues that are allowed to be continued after commissioning. A report describing the results of the system commissioning and including the results of the initial acceptance testing required in the Uniform Code shall be provided to Code Enforcement prior to final inspection and approval and maintained at an approved on-site location.

- h. Fire Safety Compliance Plan. Such plan shall document and verify that the system and its associated controls and safety systems are in compliance with the Uniform Code.*
- i. Operation and Maintenance Manual. Such plan shall describe continuing battery energy storage system maintenance and property upkeep, as well as design, construction, installation, testing and commissioning information and shall meet all requirements set forth in the Uniform Code.*
- j. Prior to the issuance of the operating permit or final approval by Code Enforcement, but not required as part of the application, engineering documents must be signed and sealed by a NYS Licensed Professional Engineer.*
- k. Emergency Operations Plan. A copy of the approved Emergency Operations Plan shall be given to the system owner, the local fire department, and local fire code official. A permanent copy shall also be placed in an approved location to be accessible to facility personnel, fire code officials, and emergency responders. The emergency operations plan shall include the following information:*
 - i. Procedures for safe shutdown, de-energizing, or isolation of equipment and systems under emergency conditions to reduce the risk of fire, electric shock, and personal injuries, and for safe start-up following cessation of emergency conditions.*
 - ii. Procedures for inspection and testing of associated alarms, interlocks, and controls.*
 - iii. Procedures to be followed in response to notifications from the Battery Energy Storage Management System, when provided, that could signify potentially dangerous conditions, including shutting down equipment, summoning service and repair personnel, and providing agreed upon notification to fire department personnel for potentially hazardous conditions in the event of a system failure.*
 - iv. Emergency procedures to be followed in case of fire, explosion, release of liquids or vapors, damage to critical moving parts, or other potentially dangerous conditions. Procedures can include sounding the alarm, notifying the fire department, evacuating personnel, de-energizing equipment, and controlling and extinguishing the fire.*
 - v. Response considerations similar to a safety data sheet (SDS) that will address response safety concerns and extinguishment when an SDS is not required.*
 - vi. Procedures for dealing with battery energy storage system equipment damaged in a fire or other emergency event, including maintaining contact information for personnel qualified to safely remove damaged battery energy storage system equipment from the facility.*

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- vii. *Other procedures as determined necessary by the [Village/Town/City] to provide for the safety of occupants, neighboring properties, and emergency responders.*
- viii. *Procedures and schedules for conducting drills of these procedures and for training local first responders on the contents of the plan and appropriate response procedures.*
- ix. *Provide and maintain training for appropriate City of Olean employess and specialized equipment throughout the life of the system.*

D. Operating Permit Standards.

- a. *Setbacks. Tier 2 Battery Energy Storage Systems shall comply with the setback requirements of the underlying zoning district for principal structures.*
- b. *Height. Tier 2 Battery Energy Storage Systems shall comply with the building height limitations for principal structures of the underlying zoning district.*
- c. *Fencing Requirements. Tier 2 Battery Energy Storage Systems, including all mechanical equipment, shall be enclosed by a 7-foot-high fence with a self-locking gate to prevent unauthorized access unless housed in a dedicated-use building and not interfering with ventilation or exhaust ports.*
- d. *Screening and Visibility. Tier 2 Battery Energy Storage Systems shall have views minimized from adjacent properties to the extent reasonably practicable using architectural features, earth berms, landscaping, or other screening methods that will harmonize with the character of the property and surrounding area and not interfering with ventilation or exhaust ports.*

E. Ownership Changes. If the owner of the battery energy storage system changes or the owner of the property changes, the special use permit shall remain in effect, provided that the successor owner or operator assumes in writing all of the obligations of the operating permit and decommissioning plan. A new owner or operator of the battery energy storage system shall notify Code Enforcement of such change in ownership or operator within [30] days of the ownership change. A new owner or operator must provide such notification to Code Enforcement in writing. The special use permit and all other local approvals for the battery energy storage system would be void if a new owner or operator fails to provide written notification to the [Code Enforcement/Zoning Enforcement Officer] in the required timeframe. Reinstatement of a void special use permit will be subject to the same review and approval processes for new applications under this Local Law.

F. Appeals. All appeals for permits denied or not granted, as well as those revoked, shall be heard by the City of Olean Zoning Board of Appeals.

8. Safety

A. System Certification. Battery energy storage systems and equipment shall be listed by a Nationally Recognized Testing Laboratory to UL 9540 (Standard for battery energy storage systems and Equipment) or approved equivalent, with subcomponents meeting each of the following standards as applicable:

- a. *UL 1973 (Standard for Batteries for Use in Stationary, Vehicle Auxiliary Power and Light Electric Rail Applications),*
- b. *UL 1642 (Standard for Lithium Batteries),*

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- c. *UL 1741 or UL 62109 (Inverters and Power Converters),*
- d. *Certified under the applicable electrical, building, and fire prevention codes as required.*
- e. *Alternatively, field evaluation by an approved testing laboratory for compliance with UL 9540*
- f. *(or approved equivalent) and applicable codes, regulations and safety standards may be used to meet system certification requirements.*
- B. *Site Access. Battery energy storage systems shall be maintained in good working order and in accordance with industry standards. Site access shall be maintained, including snow removal at a level acceptable to the local fire department.*
- C. *Battery energy storage systems, components, and associated ancillary equipment shall have required working space clearances, and electrical circuitry shall be within weatherproof enclosures marked with the environmental rating suitable for the type of exposure in compliance with NFPA 70.*
- 9. *Permit Time Frame and Abandonment.*
 - A. *The Operating Permit and Code Enforcement approval for a battery energy storage system shall be valid for a period of 24 months, provided that a building permit is issued for construction and construction is commenced. In the event construction is not completed in accordance with the final operating permit, as may have been amended and approved, as required by Code Enforcement, within 24 months after approval, the City of Olean may extend the time to complete construction for 180 days. If the owner and/or operator fails to perform substantial construction after 36 months, the approvals shall expire.*
 - B. *The battery energy storage system shall be considered abandoned when it ceases to operate consistently for more than one year (365 day). If the owner and/or operator fails to comply with decommissioning upon any abandonment, the City of Olean may, at its discretion, enter the property and utilize the available bond and/or security for the removal of a Tier 2 Battery Energy Storage System and restoration of the site in accordance with the decommissioning plan.*

10. Enforcement.

Any violation of this Battery Energy Storage System Law shall be subject to the same enforcement requirements, including the civil and criminal penalties, provided for in the zoning and land use regulations of the City of Olean.

11. Severability

The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision, or phrase of the aforementioned sections, as declared by the valid judgment of any court of competent jurisdiction to be unconstitutional, shall not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision, or phrase, which shall remain in full force and effect.

12. Effective Date

This Local Law shall be effective immediately upon filing by the office of the New York State Secretary of State or as otherwise provided by law.

ROLL CALL, AYES ALL. MOTION CARRIED.

RESOLUTION #41-25

PL #41-25

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By Alderman Crawford, Seconded by Alderman McCall

**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>Days/Mths based on record 315.4(b)(iv)</i>	<i>No ROA Received</i>
<i>Elected Officials</i>				
<i>John Crawford, Council President</i>	6	1/1/23-12/31/25	5.01	
<i>Jason Panus, Alderman</i>	6	1/1/24-05/16/25	1.31	
<i>Jennifer Forney, Alderman</i>	6	1/1/23-12/31/25		X
<i>Appointed Officials</i>				
<i>Steven Rogers, Zoning Board</i>	6	1/1/25-12/31/31	.45	
<i>Kelly Sweet Zoning Board</i>	6	11/18/22- 11/18/29	.37	

***RESOLVED**, that this resolution will be effective immediately.
ROLL CALL, AYES ALL. MOTION CARRIED.*

RESOLUTION #71-25
PL #73-25

By Alderman McCall, Seconded by Alderman Bennion

**TO AWARD THE 2025 PAVEMENT PREPARATION AND OVERLAY CONTRACT TO LAKE
SHORE PAVING IN AN AMOUNT NOT TO EXCEED \$2,331,808.00**

***WHEREAS**, the City of Olean received bids for the 2025 Pavement Preparation and Overlay Contract and, after full review of the bids submitted, have determined that Lake Shore Paving, Jamestown, NY is the lowest responsible bidder in accordance with City of Olean Local Law 4.5;*

***BE IT RESOLVED**, that the Common Council authorizes the award of the 2025 Pavement Preparation and Overlay Contract to Lake Shore Paving in an amount not to exceed \$2,331,808.00.*

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

RESOLUTION #72-25
PL #74-25

By Alderman Robinson, Seconded by Alderman McCall

**TO RENAME CAPITAL FUND #118 TO “DEPARTMENT OF FIRE, BUILDING, AND
EMERGENCY SERVICES VEHICLE REPLACEMENT”**

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WHEREAS, the Common Council, through Resolution #75-24, increased the contribution to Capital Fund #118, Ambulance Replacement Fund, from 8.5% to 12%; and

WHEREAS, the contribution increase was to allow for vehicle replacement within the Department of Fire, Building, and Emergency Services; and

WHEREAS, while the primary and original intent of the fund will continue to be to support ambulance replacement;

BE IT RESOLVED, that Capital Fund #118 is hereby renamed to “Department of Fire, Building, and Emergency Services Vehicle Replacement” to allow for purchases of support and other vehicles for the Department of Fire, Building, and Emergency Services in addition to ambulances.

RESOLVED, that this Resolution is hereby effective immediately.

ROLL CALL, AYES ALL. MOTION CARRIED.

RESOLUTION #73-25

PL #75-25

By Alderman _____, Seconded by Alderman _____

**RESOLUTION AUTHORIZING THE TRANSFER OF FUNDS FROM LINE ITEM 1210.465 TO LINE
ITEM 1320.462 FOR COSTS ASSOCIATED WITH TRAVEL AND TRAINING FOR THE CITY
AUDITOR**

RESOLVED, that the following transfer be authorized:

<i>Account #</i>	<i>Description – General</i>	<i>Transferred From</i>	<i>Transferred to</i>
<i>A-01-5-1210.465</i>	<i>Mayor – Celebrations</i>	<i>\$1,500</i>	
<i>A-01-5-1320.462</i>	<i>Auditor – Travel and Training</i>		<i>\$1,500</i>

BE IT FURTHER RESOLVED, that this Resolution is effective immediately.

Alderman Bennion explained for multiple years, the City’s independent auditors have said the City Auditor needs more training, but we continue to reduce the amount in the Auditor’s travel and training budget. Mayor Aiello explained moving money out of celebrations really straps his budget. He explained last year the account paid for flags for Memorial Day, which cost around \$3,500, it paid for four Veterans Memorial wreaths, planters., flowers, plaques, for the Mayor’s forum, for Corporate Challenge costs for employees, for volunteer supplies and for the volunteer pizza party. He explained the Council sets the budget, and has asked him many times in the past to find places in the budget for things so he asks for their respect now to find where this money can come from for training. He explained the training is in September and this does not need to be acted on now. He explained he has also spoken with the City Attorney and this might be in violation of the City Charter. He asks the Council not support this. Alderman McCall explained she was unsure what the celebrations line was for and was not aware it was used for flags and other things. She explained these things are not what she thought “celebrations” was used for. Mayor Aiello explained he does not know why this line item is named this, and explained in the past that account has been maintained to allow the Mayor’s office to handle things through the years that are not in general budget line items. Alderman Crawford asked about the flags for Memorial Day being paid for by a separate organization, and Mayor Aiello explained a resolution was passed a long time ago that the City will help pay for the

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flags for Memorial Day. Alderman McCall explained with the list of expenses that come from this account, transferring the funds will leave this account over expended.

Alderman Bennion asked what the Mayor meant by the transfer being in violation of the City Charter. Ms. Marshall explained Section 5.003 states the Council has the right to transfer the funds, but it must be done with approval of the Mayor. She explained if he does not approve the transfer, the funds cannot be moved. Alderman Bennion explained that's fine, but at the end of the day, it is imperative the Auditor receives more training. Alderman McCall explained while it seems the Council is in agreement to the Auditor going to the conference in September, in light of all of the issues we have had, we also need to have a timeline for training that does not include this one and done conference. She explained we also need a timeline to have policies and procedures in place for the Auditor's Office that have not been in place before this time. She explained we also need a timeline for obtaining software. Mayor Aiello explained we will work on the timeline for that, but he would like until August to figure out the funding transfer for this when we know the cost of the conference. He asked for a month to update the Council on timelines.

Alderman Bennion explained if nothing else, this spurs action, and he can live with that. He explained part of it is sitting in these meetings for two-plus hours, and most of the discussion topics are unfinished business. He explained we keep punting things because the Council does not have the information or answers they need. He explained we keep extending things and things keep piling up. He explained when the Council asks for something, the expectation is they will get it so we can move on. He explained it is imperative we move the process along and get answers when the Council is told they will have answers by and move along if there are none. Alderman McCall explained the Council has repeatedly asked for timely information when the agendas go out the Friday before a meeting. She explained hopefully we will not continue kicking cans down the road.

Alderman Crawford explained he thinks it is important to remember that with the Council, Mayor, and Department Heads, there are a lot of moving parts. He explained he understands we are working in an industry when sometimes things can't be sent out as soon as we would like, but at the very least the Council has tried to communicate what the expectation is and if there is action to be taken on a Tuesday, the Council doesn't want the information that will help decide a yes or no vote sent out on Tuesday afternoon. He explained the Council needs time to process and digest the information.

Alderman Anastasia explained he believes the Council's job, when the budget is passed, is to not micromanage the City. He explained we still have two months for the Mayor to find the money for the training, and then let the Mayor tell us where he has found the funding. He explained next year training line items should not be depleted just to keep taxes low. He explained if training is required, the funding should stay in the budget. Alderman McCall explained the Council wants to have a real budget, not one that is trimmed down and then later they are asked for more funding.

RESOLUTION #74-25

PL #76-25

By Alderman Crawford, Seconded by Alderman McCall

***TO AWARD THE CATTARAUGUS COUNTY – OLEAN AIRPORT APRON AND AUTOMOBILE
PARKING REHABILITATION CONTRACT TO LAKE SHORE PAVING IN AN AMOUNT OF
\$870,362.38***

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***WHEREAS**, the City of Olean has been awarded funding for the Cattaraugus County – Olean Airport Apron and Automobile Parking Rehabilitation from the Federal Aviation Administration (FAA) Airport Improvement Program (AIP) and the New York State Department of Transportation (NYSDOT); and*

***WHEREAS**, the City of Olean has received bids for the construction portion of the Rehabilitation Project and, after full review of bids submitted, have determined that Lake Shore Paving, Jamestown, NY is the lowest responsible bidder;*

***NOW, THEREFORE, BE IT RESOLVED**, that the Common Council authorizes the award of the Cattaraugus County – Olean Airport Apron and Automobile Parking Rehabilitation Contract to Lake Shore Paving in an amount of \$870,362.38.*

***RESOLVED**, that the Mayor is hereby authorized to execute all contracts, documents, and agreements in relation to said bid award.*

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

ROLL CALL, AYES ALL. MOTION CARRIED.

RESOLUTION #75-25

PL #77-25

By Alderman Crawford, Seconded by Alderman Bennion

TO AUTHORIZE THE MAYOR TO EXECUTE A GRANT AGREEMENT WITH THE U.S. DEPARTMENT OF TRANSPORTATION’S FEDERAL AVIATION ADMINISTRATION FOR FUNDING ASSOCIATED WITH THE CATTARAUGUS COUNTY – OLEAN AIRPORT TERMINAL PEDESTRIAN AND AOA VEHICLE GATE REPLACEMENT DESIGN PORTION

***WHEREAS**, the City of Olean has submitted to the FAA a Project Application dated March 24, 2025, for a grant of Federal funds for a project at or associated with the Cattaraugus County – Olean Airport, which is included as a part of the Grant Agreement; and*

***WHEREAS**, the FAA has approved a project for the Cattaraugus County – Olean Airport (herein called the “Project”) consisting of the replacement of two existing gates (terminal pedestrian & AOA vehicle gates) design portion which is more fully described in the Project Application; and*

***WHEREAS**, the Federal Aviation Administration, for and on behalf of the United States, hereby offers and agrees to pay ninety (90) percent of the allowable costs incurred accomplishing the Project as the United States share of the Project, subject to the terms and conditions set forth in the Grant Agreement, for an amount not to exceed \$33,250;*

***NOW, THEREFORE, BE IT RESOLVED**, that the Common Council authorizes the Mayor to execute a Grant Agreement with the U.S. Department of Transportation’s Federal Aviation Administration for funding associated with the Cattaraugus County – Olean Airport Terminal Pedestrian and AOA Vehicle Gate Replacement Design Portion.*

***IT IS FURTHER RESOLVED**, that the Mayor is authorized to execute all documents, contracts and agreements related to this Grant Agreement.*

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

ROLL CALL, AYES ALL. MOTION CARRIED.

PUBLIC COMMENT

Alderman McCall explained the downtown businesses are having a July 19th event where you can pick up a “passport,” get it stamped at different businesses and be entered to win a prize. She explained August 1st will be the second music walk and there will be artists doing different things. She invited the public to come out, celebrate, and support

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local businesses.

Alderman Crawford explained on the City's behalf, he would like to give an update on the inflow and infiltration issues. He explained currently the DEC is working with the City in the process of interviewing engineering firms in association with a \$500,000 grant. He explained sewer maintenance is in the process of scheduling a variety of work and testing in house. He explained at West Oak Street and York Street, in house testing is being done and basins are being reconnected into nearby storm lines. He explained South 18th Street will require an outside contractor to do work on approximately 600 feet of storm drain to Henley Street, and there are different elevations to be checked and corrected. He explained on the dead end on North 2nd Street an outside contractor will need to do the work to do 200 feet of storm drain work to Sullivan, and there will also need to be an outside contractor for 400 feet of storm line work to integrate North Second to State Street. He explained at First and Henley we should be able to accomplish the work to connect basins into storm lines in house, as well as on Monroe Terrace. He explained on Pine Street 300 feet of storm drain work will need to be done by an outside contractor to connect to Oak Street. He explained the next taskforce meeting is tentatively scheduled of July 22, 2025 at 9:00 a.m.

Jessica Ray of 219 North 11th Street explained her neighbor at 221 North 11th Street has a cat issue that is causing issues to her home. She explained the neighbor's cats come into her backyard and the neighbor is feeding feral and stray cats, bringing more to the neighborhood. She explained she would like the Council to pass an ordinance to make feeding feral and stray cats in the City illegal.

Glen Wahl of Little Valley asked why we have not fixed the sewage discharge issue that has been going on for more than a decade. He asked why it took bad publicity and the threat of a lawsuit to do something about it. He explained the opportunity to fix things this summer is going by and we need to turn the situation around and take action.

Deb Jimerson of the Seneca Nation of Indians explained she appreciates the update given tonight. He explained she comes to the meeting specifically to hear updates and information. She explained this transparency helps and hearing the update from the City helps build trust that the Nation desperately needs from the City right now.

Kelly Joselin of Great Valley thanked the City for the efforts they have made to improve communication. She explained she will keep coming to the meetings to ensure this is not something that keeps getting punted down the road. She explained they are grateful for the actions the City is taking, especially monitoring the lift stations during heavy rains to ensure preventative measures are in place during the interim.

EXECUTIVE SESSION

Motion to enter into executive session to discuss pending litigation was made by Alderman Crawford, seconded by Alderman McCall. Voice vote, ayes all. Motion carried. Executive session began at approximately 8:35 p.m.

Motion to adjourn from executive session was made by Alderman Crawford, seconded by Alderman Bennion. Voice vote, ayes all. Motion carried. Executive session adjourned at approximately 8:50 p.m.

ADJOURNMENT

Motion to adjourn was made by Alderman Crawford, seconded by Alderman McCall. Voice vote, ayes all. Motion carried. Meeting adjourned at approximately 8:50 p.m.

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Frank Caputo, City Clerk

Mayor William J. Aiello

John Crawford, Council President

I hereby approve the foregoing minutes
Dated: ____/____/____

STATE OF NEW YORK
COUNTY OF CATTARAUGUS
CITY OF OLEAN

I, Frank Caputo, 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.

Frank Caputo, City Clerk