

Journal of Proceedings

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

April 14, 2026

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 March, April 14, 2026 at 7:00 p.m.

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

ABSENT: *None*

OFFICIALS: *Mayor Amy Sherburne; Frank Caputo, City Clerk; Lens Martial, City Auditor; Michael Morgan, City Attorney; Jennifer Fairbanks-Black, Chief of Staff; James Sprague, Director of Public Works; Keri Kerper, Community Development Program Coordinator; Ron Richardson, Police Chief; Stephanie Olson, Principal Account Clerk; Eric Maurouard, Fire Chief, 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 March 24, 2026 Regular Meeting was made by Alderman Robinson, seconded by Alderman Bennion. Voice vote, ayes all. Motion carried.

COMMITTEE REPORTS & UNFINISHED COUNCIL BUSINESS

Report from Committee of the Whole on PL #27-26, to enact a Local Law authorizing the City of Olean to override the tax levy limit. Committee recommends approval. Referred to City Attorney for Resolution.

Report from Committee of the Whole on PL #28-26, to amend water and sewer rates in accordance with Sections 27-22 and 27-167, respectively, of the City of Olean Code of Ordinances. Committee recommends approval. Referred to City Attorney for Resolution.

Report from Committee of the Whole on PL #15-26, Budget 2026-2027. No action taken by Committee.

Report from Committee of the Whole on PL #29-26, to amend ambulance billing rates in accordance with the schedule provided by Professional Ambulance Billing, LLC. Committee recommends approval. Referred to City Attorney for Resolution.

Report from Committee of the Whole on PL #30-26, to authorize the transfer of funds from Capital Fund #255 to line items 3620.440 and 3650.440. Committee recommends approval. Referred to City Attorney for Resolution.

Report from Committee of the Whole on PL #31-26, to authorize the transfer of \$22,400 from line item 3120.100 to line item 3120.462 for tuition costs for four new Police Department employees. Committee recommends approval. Referred to City Attorney for Resolution.

Report from Committee of the Whole on PL #32-26, to amend the Water and Sewer Infrastructure and Billing Policy to amend the fee for rolling unpaid balances to taxes

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each year to \$500 for commercial and industrial accounts. Committee recommends approval. Referred to City Attorney for Resolution.

Report from Committee of the Whole on PL #33-26, to confirm the Mayoral appointment of Gilbert Witte to the Planning Board. Committee recommends approval. Referred to City Attorney for Resolution.

Report from Committee of the Whole on PL #34-26, to confirm the Mayoral appointment of Kathleen Martel to the Planning Board. Committee recommends approval. Referred to City Attorney for Resolution.

Report from Committee of the Whole on PL #35-26, to confirm the Mayoral appointment of Alan Bernstein to the Planning Board. Committee recommends approval. Referred to City Attorney for Resolution.

COMMUNICATIONS FROM THE MAYOR

Special Proclamation for Earth Day

Special Proclamation for National Volunteer Month

Veto – Finance Committee Motion

A motion to amend the proposed budget to restore and fund the Water and Sewer Superintendent position with the associated salary and benefits reflected in the water and sewer fund minus a previously granted stipend in the position for additional personnel oversight and responsibilities was made by Alderman Crawford, seconded by Alderman Anastasia. Roll call, ayes Aldermen Forney, Crawford, and Anastasia. Noes, Aldermen Bennion, Keary, McCall, and Robinson. Motion defeated.

MISCELLANEOUS COMMUNICATIONS

None

CITY OFFICIAL REPORTS

Monthly Report of the City Auditor – month ended March 2026

Financial Summary as of March 31, 2026

PROPOSED LEGISLATION AND REFERRALS

PL #27-26: (Sherburne) To enact a Local Law authorizing the City of Olean to override the tax levy limit. Referred to Committee of the Whole Tuesday, April 14, 2026 by Council President.

PL #28-26: (Sherburne) To amend water and sewer rates in accordance with Sections 27-22 and 27-167, respectively, of the City of Olean Code of Ordinances. Referred to Committee of the Whole Tuesday, April 14, 2026 by Council President.

PL #29-26: (Sherburne) To amend ambulance billing rates in accordance with the schedule provided by Professional Ambulance Billing, LLC. Referred to Committee of the Whole Tuesday, April 14, 2026 by Council President.

PL #30-26: (Sherburne) To authorize the transfer of funds from Capital Fund #255 to line items 3620.440 and 3650.440. Referred to Committee of the Whole Tuesday, April 14, 2026 by Council President.

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PL #31-26: (Sherburne) To authorize the transfer of \$22,400 from line item 3120.100 to line item 3120.462 for tuition costs for four new Police Department employees. Referred to Committee of the Whole Tuesday, April 14, 2026 by Council President.

PL #32-26: (Sherburne) To amend the Water and Sewer Infrastructure and Billing Policy to amend the fee for rolling unpaid balances to taxes each year to \$500 for commercial and industrial accounts. Referred to Committee of the Whole Tuesday, April 14, 2026 by Council President.

PL #33-26: (Sherburne) To confirm the Mayoral appointment of Gilbert Witte to the Planning Board. Referred to Committee of the Whole Tuesday, April 14, 2026 by Council President.

PL #34-26: (Sherburne) To confirm the Mayoral appointment of Kathleen Martel to the Planning Board. Referred to Committee of the Whole Tuesday, April 14, 2026 by Council President.

PL #35-26: (Sherburne) To confirm the Mayoral appointment of Alan Bernstein to the Planning Board. Referred to Committee of the Whole Tuesday, April 14, 2026 by Council President.

PL #36-26: (Sherburne) To authorize the transfer of funds from various Capital Funds to revenue line item A01-4-2020, Community Development. Referred to Committee of the Whole Tuesday, April 14, 2026 by Council President.

PUBLIC COMMENT/INPUT

None

FINANCE / BILLS

None

RESOLUTIONS

Alderman Anastasia explained he will be voting no because we do not know what the tax rate is, and he feels voting to go over the tax cap will be like writing a blank check. He explained he realizes this needs to be passed because the cost of living is 3% but since we don't know what the proposed tax rate is, he will be voting no.

LOCAL LAW #01-2026

PL #27-26

By Alderman Robinson, Seconded by Alderman Keary

A LOCAL LAW TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW §3-C

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

Section 1. Legislative Intent: *It is the intent of this local law to override the limit on the amount of real property taxes that may be levied by the City of Olean, County of Cattaraugus pursuant to General Municipal Law §3-c, and to allow the City of Olean, County of Cattaraugus to adopt a City budget for City purposes governed by the Common Council for the fiscal year beginning June 1, 2026 and ending May 31, 2027 that requires a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law §3-c.*

Section 2. Authority: *This local law is adopted pursuant to subdivision 5 of General Municipal Law §3-c, which expressly authorizes the Common Council of the City*

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of Olean to override the tax levy limit by the adoption of a local law approved by vote of at least sixty percent (60%) of the Common Council.

Section 3. Tax Levy Limit Override: *The Common Council of the City of Olean, County of Cattaraugus is hereby authorized to adopt a budget for the fiscal year 2026-2027 that requires a real property tax levy in excess of the limit specified in General Municipal Law §3-c.*

Section 4. Severability: *If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.*

Section 5. Effective Date: *This local law shall take effect immediately upon adoption pursuant to the Municipal Home Rule Law and General Municipal Law and shall be applicable only to the City budget and real property tax levy for the next City fiscal year commencing on or after such effective date.*

ROLL CALL, AYES ALL EXCEPT ALDERMAN ANASTASIA, WHO VOTED NO. MOTION CARRIED.

Alderman Crawford explained as far as water and sewer rates go, he cannot support increases as they currently stand. He explained we took a look at moving more project-related costs to the budget rather than relying on contingency accounts but he feels the contingency accounts and capital outlays should be reduced to get down to 2% for both water and sewer increases. He explained for sewer we are leaving a tremendous amount of revenue on the table for Allegany. He explained Olean residents have subsidized that long enough. Alderman McCall agrees and explained she sponsored this but she thinks about how many times it has been said that the fund balances are in good shape and we could utilize those funds to decrease the rate increases. She explained we would not be looking at the increase in sewer rate if partners had paid their fair share, yet we still need to balance the budget. She explained she is not looking to add more of a burden on City residents when we are not holding others accountable. Alderman Robinson explained he can swallow taxes going up, but with water and sewer and what we know about how healthy the funds are, we should be able to use a one-time payment from the fund balances to reduce the increase in rates. Alderman Bennion explained we should be using the healthy sewer fund to fix catch basin issues, and Alderman McCall explained she would rather decrease the tax rate in the general fund but she is not sure if there is a way to do that.

RESOLUTION #29-26

PL #28-26

By Alderman McCall, Seconded by Alderman Robinson

TO AMEND THE WATER RATES PURSUANT TO SECTION 27-22 AND SEWER RATES PURSUANT TO SECTION 27-167(A) OF THE CITY OF OLEAN CODE OF ORDINANCES

WHEREAS, the Common Council will adopt the 2026-2027 budget reflecting amendments in the water rates; and

WHEREAS, a public hearing was held on Tuesday, April 14, 2026 in the Council Chambers of the Olean Municipal Building at 6:05 p.m. pursuant to Section 27-22(1) and 27-167(a) of the City of Olean Code of Ordinances; and

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***WHEREAS**, water services provided by the City of Olean shall from time to time in each case be established by the Common Council pursuant to Chapter 27, Article II, Division 1, Section 27-22; and*

***WHEREAS**, sewer rates provided by the City of Olean shall from time to time in each case be established by the Common Council pursuant to Chapter 27, Article III, Division 5, Section 27-167;*

***RESOLVED**, that water and sewer services provided within the boundaries of the City, water rates shall be as follows:*

Monthly:

RESIDENTIAL RATES

WATER:

.011679 dollars per gallon

SEWER:

.01080 dollars per gallon

MINIMUM MONTHLY CHARGE: 1,600 gallons

COMMERCIAL RATES

WATER:

.011679 dollars per gallon

SEWER:

.01133 dollars per gallon

MINIMUM MONTHLY CHARGE: 2,600 gallons

INDUSTRIAL RATES

WATER:

<i>First</i>	<i>250,000 gallons</i>	<i>.010511 dollars per gallon</i>
<i>Next</i>	<i>250,000 gallons</i>	<i>.009927 dollars per gallon</i>
<i>Thereafter;</i>		<i>.009342 dollars per gallon</i>

SEWER:

.00884 dollars per gallon

MINIMUM MONTHLY CHARGE: 75,000 gallons

RESIDENTIAL RATES OUTSIDE THE CITY

WATER:

.017519 dollars per gallon

SEWER:

.01620 dollars per gallon

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MINIMUM MONTHLY CHARGE: 1,600 gallons

COMMERICAL RATES OUTSIDE THE CITY

WATER:

.017519 dollars per gallon

SEWER:

.01700 dollars per gallon

MINIMUM MONTHLY CHARGE: 2,600 gallons

INDUSTRIAL RATES OUTSIDE THE CITY

WATER:

<i>First</i>	<i>250,000 gallons</i>	<i>.015767 dollars per gallon</i>
<i>Next</i>	<i>250,000 gallons</i>	<i>.014897 dollars per gallon</i>
<i>Thereafter;</i>		<i>.014013 dollars per gallon</i>

SEWER:

.01326 dollars per gallon

MINIMUM MONTHLY CHARGE: 75,000 gallons

SPRINKLER RATES

<i>3" & under</i>	<i>\$18.54</i>
<i>4"</i>	<i>\$29.03</i>
<i>6"</i>	<i>\$38.47</i>
<i>8"</i>	<i>\$48.14</i>
<i>10"</i>	<i>\$552.63</i>

IT IS FURTHER RESOLVED, that the water and sewer rates set forth above shall take effect May 1, 2026 and will be reflected in the billing sent out beginning July 1, 2026.
ROLL CALL, NOES ALL. MOTION DEFEATED.

RESOLUTION #30-26

PL #29-26

By Alderman McCall, Seconded by Alderman Bennion

***TO AMEND AMBULANCE BILLING RATES IN ACCORDANCE WITH THE SCHEDULE
PROVIDED BY PROFESSIONAL AMBULANCE BILLING, LLC***

RESOLVED, that the City of Olean Common Council hereby amends Resolution #37-25 and revises and established the fees for ambulance services by the City of Olean Fire Department as follows:

<i>Service Level</i>	<i>New Rate</i>
<i>ALS2</i>	<i>\$2,500</i>
<i>ALS1</i>	<i>\$2,000</i>
<i>BLS</i>	<i>\$1,750</i>
<i>PI</i>	<i>\$985</i>
<i>MLS</i>	<i>\$48</i>

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TR	\$500
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RESOLVED, that this Resolution shall be effective immediately.
ROLL CALL, AYES ALL. MOTION CARRIED.

RESOLUTION #32-26
PL #30-26

By Alderman Robinson, Seconded by Alderman Keary

RESOLUTION AUTHORIZING THE TRANSFER OF FUNDS FROM CAPITAL FUND #255 TO LINE
ITEMS 3620.440 AND 3650.440

RESOLVED, that the following transfer be authorized:

Account #	Description – General	Transferred From	Transferred to
Capital Fund #255	Code Enforcement Cleanup	\$45,916	
A-01-5-3620.440	Safety Inspection – Misc. Contracted Services		\$34,816
A-01-5-3650.440	Demolition of Unsafe Buildings – Misc. Contracted Services		\$11,100

BE IT FURTHER RESOLVED, that this Resolution is effective immediately.
ROLL CALL, AYES ALL. MOTION CARRIED.

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

A motion to amend Resolution #33-26 to change the account number from A-01-5-3120.100 to A-01-5-3120.102 was made by Alderman Robinson, seconded by Alderman McCall. Voice vote, ayes all. Motion carried.

RESOLUTION #33-26
PL #31-26

By Alderman Bennion, Seconded by Alderman Anastasia

RESOLUTION AUTHORIZING THE TRANSFER OF FUNDS FROM LINE ITEM 3120.102 TO LINE
ITEM 3120.462 FOR COSTS ASSOCIATED WITH POLICE ACADEMY TUITION FOR FOUR NEW
HIRES

RESOLVED, that the following transfer be authorized:

Account #	Description – General	Transferred From	Transferred to
A-01-5-3120.102	Police Department – Personal Service	\$22,400	
A-01-5-3120.462	Police Department – Other Personal Service		\$22,400

BE IT FURTHER RESOLVED, that this Resolution is effective immediately.
ROLL CALL, AYES ALL. MOTION CARRIED.

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Alderman McCall explained Commercial is anything above four units, and noted we still need to incentivize landlords that have multiple accounts. Attorney Morgan explained he and Mayor Sherburne did some research about raising this fee, and he found in the event that if the fee was raised to \$500 for residential accounts and it was challenged, it could be found the \$500 fee is usurious. Alderman Bennion explained the point is well taken that we need to do something about landlords that never pay their water bills, but these bills always end up getting paid. Attorney Morgan explained he would be in favor of adding interest charges moving forward and that should be something on the table for future discussion.

RESOLUTION #34-26

PL #32-26

By Alderman McCall, Seconded by Alderman Keary

***TO AMEND THE WATER AND SEWER INFRASTRUCTURE AND BILLING POLICY TO
AMEND THE FEE FOR ROLLING UNPAID BALANCES TO TAXES EACH YEAR TO \$500 FOR
COMMERCIAL AND INDUSTRIAL ACCOUNTS***

RESOLVED, that the following amendment be made to the Water and Sewer Infrastructure and Billing Policy:

13. Unpaid balances by February 20th will be rolled to taxes each year. This will include any usage through the second of January of the current year. There will be a \$250.00 fee added to the account for residential accounts, and a \$500.00 fee added to the account for commercial and industrial accounts for processing billing through tax roll.

RESOLVED, that this Resolution is effective immediately.

ROLL CALL, AYES ALL. MOTION CARRIED.

RESOLUTION #35-26

PL #33-26

By Alderman Anastasia, Seconded by Alderman Crawford

***TO CONFIRM THE MAYORAL APPOINTMENT OF GILBERT WITTE TO THE PLANNING
BOARD***

RESOLVED, that the Common Council hereby confirms the appointment of Gilbert Witte to the Planning Board for a term expiring December 31, 2033.

RESOLVED, that this Resolution is hereby effective immediately.

ROLL CALL, AYES ALL. MOTION CARRIED.

RESOLUTION #36-26

PL #34-26

By Alderman McCall, Seconded by Alderman Forney

***TO CONFIRM THE MAYORAL APPOINTMENT OF KATHLEEN MARTEL TO THE PLANNING
BOARD***

RESOLVED, that the Common Council hereby confirms the appointment of Kathleen Martel to the Planning Board for a term expiring December 31, 2033.

RESOLVED, that this Resolution is hereby effective immediately.

ROLL CALL, AYES ALL. MOTION CARRIED.

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RESOLUTION #37-26
PL #35-26

By Alderman Robinson, Seconded by Alderman Forney

TO CONFIRM THE MAYORAL APPOINTMENT OF ALAN BERNSTEIN TO THE PLANNING BOARD

RESOLVED, that the Common Council hereby confirms the appointment of Alan Bernstein to the Planning Board for a term expiring December 31, 2033.

RESOLVED, that this Resolution is hereby effective immediately.

ROLL CALL, AYES ALL. MOTION CARRIED.

ADJOURNMENT

Motion to adjourn was made by Alderman Robinson, seconded by Alderman Crawford. Voice vote, ayes all. Motion carried. Meeting adjourned at approximately 7:40 p.m.

Frank Caputo, City Clerk

Mayor Amy Sherburne

Vernon Robinson, Jr., 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