

# **REGULAR MEETING OF THE COMMON COUNCIL**

**Tuesday, September 8, 2026 – 6:00 p.m.**

**Council Chambers – Olean Municipal Building**

- 1. ROLL-CALL**
- 2. INVOCATION**
- 3. PLEDGE**
- 4. READING, CORRECTING, AND APPROVAL OF THE MINUTES OF THE PREVIOUS REGULAR MEETING:**

“The Regular Meeting of the Olean Common Council was held on Tuesday, August 25, 2026 at 6:00 p.m.”

**PRESENT:** Alderman Bennion, Keary, Forney, McCall, Crawford and Anastasia

**OFFICIALS:** Mayor Amy Sherburne; Allison Barnish, City Auditor; Michael Morgan, City Attorney; James Sprague, Director of Public Works; Lens Martial, City Clerk; Keri Kerper, Community Development Program Coordinator; Robert Blovsky, Chief of Police; Eric Maurouard, Chief of Fire Dept; Jerry Volz, IT Network Coordinator, and Jennifer Fairbanks-Black, Chief of Staff

## **5. COMMITTEE REPORTS AND UNFINISHED COUNCIL BUSINESS**

Report from the Finance Committee on **PL# 111-26** (Sherburne) To award the work to Billings Steel Manufacturing for the design and construction of a new welcome sign to be located on city-owned property located at 1713 Fall Road. Referred to Strategic Planning by Council President.

Report from the City Operations Committee on **PL# 121-26** (Bennion) To repeal and replace Chapter 17 Parks and Recreation. Article II Park Rules, Section 17-28. City parks opening and closing hours. Referred to City Attorney for Resolution.

Report from the City Operations Committee on **PL# 122-26** (Bennion) To Repeal the City of Olean Code of Ordinance Chapter 17 Parks and Recreation Article II, and Section 17-29. Referred to City Attorney for Resolution.

Report from the Finance Committee on **PL# 123-26** - (Sherburne) Award the Bartlett House roof replacement bid to ONROHO HOME IMPROVEMENT CORP. Referred to City Attorney for Resolution.

Report from the Public Safety Committee on **PL #124-26** - (Sherburne) To Authorize the Mayor to Execute an Agreement between the City of Olean and the US Department of Transportation (USDOT) Federal Highway Administration, Fiscal Year 2025 Safe Streets and Roads for all Grant (SS4S). Referred to City Attorney for Resolution.

Report from the City Operations Committee on **PL# 125-26** Amend the City of Olean Code of Ordinance Chapter 21 Streets and Sidewalks, Article II Sidewalk Construction, Maintenance, ETC., Section 21-32 Construction of sidewalks – Permit required. Referred to City Attorney for Resolution.

Report from the City Operations Committee on **PL# 126-26** Amend the City of Olean Code of Ordinance Chapter 21 Streets and Sidewalks, Article III Trees and Shrubs. Referred to City Attorney for Resolution.

Report from the City Operations Committee on **PL# 127-26** (Bennion) Amend the City of Olean Code of Ordinance Chapter 21 Streets and Sidewalks, Article II Sidewalk Construction, Maintenance, ETC., Section 21-35 Maintenance of sidewalks. Referred to City Attorney for Resolution.

Report from the Strategic Planning Committee on **PL# 128-26** (Sherburne) To authorize and direct the Director of Public Works to contact the New York State Department of Transportation (NYSDOT) to terminate the Grant Agreement for the Wayne Street Shared Use Path Project, Project ID No. 5764.70, and to take all necessary administrative actions to discontinue the project. Referred to City Attorney for Resolution..

Report from the Youth and Rec Committee on **PL# 129-26** (Sherburne) To authorize the Mayor to change the agreement, **CITY OF OLEAN – WAR VETERANS PARK SPLASHPAD NOTICE OF INTENT TO DECLARE DEFAULT AND TERMINATE**; requiring that all corrective work be completed by October 16, 2026. Referred to City Attorney for Resolution.

## **6. COMMUNICATIONS FROM THE MAYOR**

Car Show Donation to the Olean Oilers Fireworks Committee

Proclamation for Suicide Prevention

Proclamation for Patriot and National Day of Service and Remembrance

## **7. MISCELLANEOUS COMMUNICATIONS**

## **8. CITY OFFICIAL REPORTS**

## **9. PROPOSED LEGISLATION & REFERRALS**

**PL# 116-26** (Sherburne) Amending the City of Olean Code of Ordinance Chapter 14 Miscellaneous Offenses and Provisions, adding Section 14-5 TO PROHIBIT THE INTENTIONAL ABANDONMENT AND INSTITUTIONAL DUMPING OF PERSONS WITHIN THE CITY. Referred to City Operations Committee.

**PL# 130-26** (Bennion) To Amend the City of Olean Code of Ordinances Chapter 21 Streets and Sidewalks, Article I, Section 21-11 Curb cuts procedure and fee. To add (7) Whether residential or commercial, no curb cut shall exceed 24' in width per street entrance. All curb cuts shall be no less than 3' from each property line. Industrial properties may exceed 24' with Common Council approval per street entrance. Referred to City Operations Committee.

**PL# 131-26** (Sherburne) To authorize the Department of Community Development to apply for CRCF funding to supplement bed tax funds to pay for Welcome to Olean sign and installation.

## **10. FINANCE-BILLS**

## **11. PUBLIC COMMENT/INPUT (3 MINUTE LIMIT PER SPEAKER)**

## **12. RESOLUTIONS**

### **RESOLUTION # 110-26**

### **PL # 111-26**

By Alderman McCall, Seconded by Alderman Forney

### **RESOLUTION TO AWARD THE WORK TO BILLINGS STEEL MANUFACTURING FOR THE DESIGN AND CONSTRUCTION OF A NEW WELCOME SIGN TO BE LOCATED ON CITY-OWNED PROPERTY AT 1713 FALL ROAD.**

**WHEREAS**, the City of Olean is undertaking a project for the design and construction of a new Welcome to Olean sign that will replace the existing sign located on parcel ID 94.047-1-51; and

**WHEREAS**, the City of Olean sought quotes from five companies, in accordance with applicable procurement requirements for said work; and

**WHEREAS**, Billings Steel Manufacturing was found to be the company able to perform the work outlined by the Department of Community Development for a total cost of \$31,455; and

**WHEREAS**, funding in the amount of \$4,085.57 has been committed to the project through community fundraising via the Cattaraugus Region Community Foundation; and

**WHEREAS**, the City of Olean commits \$31,455 in Bed Tax funds for the project; and

**WHEREAS**, said combined funding sources will be used on the project to include the demolition and removal of the existing sign, landscaping, hardscape, running of conduit and electrical wire, design, construction, and installation of the new sign.

**BE IT RESOLVED**, that the Common Council of the City of Olean authorizes the award to Billings Steel Manufacturing and the Mayor is hereby authorized to execute any and all contracts, documents, and agreements related to the aforementioned funding and award.

**IT IS FURTHER RESOLVED**, that this Resolution is effective immediately.

**RESOLUTION# 113-26**

**PL #117-26**

By Alderman Crawford, Seconded by Alderman McCall

**TO AUTHORIZE THE MAYOR TO ENTER INTO AN AGREEMENT WITH VERKADA FOR THE PURCHASE OF  
SECURITY CAMERAS AND TEN YEARS OF LICENSING**

**BE IT RESOLVED**, that the Common Council authorizes the Mayor to enter into an agreement with Verkada for the purchase of security cameras and ten years of licensing.

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

**RESOLUTION #114-26**

**PL #118-26**

By Alderman Keary, Seconded by Alderman Crawford

**A BOND RESOLUTION, DATED SEPTEMBER 8, 2026, OF THE  
COMMON COUNCIL OF THE CITY OF OLEAN, CATTARAUGUS  
COUNTY, NEW YORK (THE "CITY"), AUTHORIZING THE  
ACQUISITION AND INSTALLATION OF SECURITY CAMERAS  
IN THE CITY, AT AN ESTIMATED MAXIMUM COST OF  
\$275,000, AND AUTHORIZING THE ISSUANCE OF SERIAL  
BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO  
EXCEED \$275,000 OF THE CITY, PURSUANT TO THE LOCAL  
FINANCE LAW TO FINANCE SUCH PURPOSE, SUCH AMOUNT  
TO BE OFFSET BY ANY FEDERAL, STATE, COUNTY AND/OR  
LOCAL FUNDS RECEIVED OR APPROPRIATED, AND  
DELEGATING THE POWER TO ISSUE BOND ANTICIPATION**

**NOTES IN ANTICIPATION OF THE SALE OF SUCH BONDS TO  
THE CITY AUDITOR.**

**WHEREAS**, the Common Council of the City of Olean, in the County of Cattaraugus, New York (the "City") desires to undertake a capital improvements project consisting of the acquisition and installation of security cameras in the City (collectively, the "Project");

**NOW, THEREFORE, BE IT RESOLVED**, by the Common Council (by the favorable vote of not less than two-thirds of all the members of the Council) as follows:

SECTION 1. The City is hereby authorized to undertake the acquisition and installation of security cameras in the City, including all preliminary costs and necessary equipment, apparatus, warranties and other such costs incidental thereto and in connection with the financing thereof (the "Purpose"). The estimated maximum cost of the Purpose is \$275,000.

SECTION 2. The Common Council plans to finance the estimated maximum cost of the Purpose by the issuance of serial bonds in an aggregate principal amount not to exceed \$275,000 of the City, hereby authorized to be issued therefor pursuant to the Local Finance Law, said amount to be offset by any federal, state, county and/or local funds received including, but not limited to, available or appropriated funds of the City. Unless paid from other sources or charges, the cost of such improvement is to be paid by the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

SECTION 3. It is hereby determined that the Purpose is a class of objects or purposes described in subdivision 32 of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of such Purpose is five years.

SECTION 4. Current funds are not required to be provided prior to the issuance of the bonds authorized by this resolution or any notes issued in anticipation of the sale of said bonds.

SECTION 5. It is hereby determined the proposed maturity of the obligations authorized by this resolution will not exceed five years.

SECTION 6. The faith and credit of the City are hereby irrevocably pledged for the payment of the principal of and interest on such bonds (and any bond anticipation notes issued in anticipation of the sale of such bonds) as the same respectively become due and payable. An annual appropriation will be made in each year sufficient to pay the principal of and interest on such bonds or notes becoming due and payable in such year. Unless paid from other sources or charges, there will annually be levied on all the taxable real property of the City a tax sufficient to pay the principal of and interest on such bonds or notes as the same become due and payable.

SECTION 7. Subject to the provisions of this resolution and of the Local Finance Law, and pursuant to the provisions of Section 21.00 relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00 relative to the

authorization of the issuance of bond anticipation notes and of Section 50.00, Sections 56.00 to 60.00, Section 62.00, Section 62.10, Section 63.00, and Section 164.00 of the Local Finance Law, the powers and duties of the Common Council pertaining or incidental to the sale and issuance of the obligations herein authorized, including but not limited to authorizing bond anticipation notes and prescribing the terms, form and contents and details as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said notes, are hereby delegated to the City Auditor, the chief fiscal officer of the City. Without in any way limiting the scope of the foregoing delegation of powers, the City Auditor, to the extent permitted by Section 58.00(f) of the Local Finance Law, is specifically authorized to accept bids submitted in electronic format for any bonds or notes of the City.

SECTION 8. The temporary use of available funds of the City, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Local Finance Law, for the purpose or purposes described in this resolution.

SECTION 9. This resolution shall constitute the declaration (or reaffirmation) of the City's "official intent" to reimburse the expenditures authorized in this resolution with the proceeds of the bonds, notes or other obligations authorized herein, as required by United States Treasury Regulations Section 1.150-2.

SECTION 10. The City Auditor is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution, and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and may designate the bonds authorized by this resolution, and any notes issued in anticipation thereof, as "qualified tax-exempt bonds" in accordance with Section 265(b)(3) of the Code.

SECTION 11. The City Auditor is further authorized to enter into a continuing disclosure agreement with the initial purchaser of the bonds or notes authorized by this resolution, containing provisions which are satisfactory to such purchaser in compliance with the provisions of Rule 15c2-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

SECTION 12. The City Auditor is further authorized to call in and redeem any outstanding obligations that were authorized hereunder (at such times and in such amounts and maturities as may be deemed appropriate after consultation with City officials and the City's municipal advisor), to approve any related notice of redemption, and to take such actions and execute such documents as may be necessary to effectuate any such calls for redemption pursuant to Section 53.00 of the Local Finance Law, with the understanding that no such call for redemption will be made unless such notice of redemption shall have first been filed with the City Clerk.

SECTION 13. The City has complied with applicable federal, state and local laws and regulations regarding environmental matters, including compliance with the New York State Environmental Quality Review Act ("SEQRA"), comprising Article 8 of the Environmental Conservation Law and, in connection therewith, duly issued a negative declaration and/or other applicable documentation, and therefore, no further action under SEQRA is necessary.

SECTION 14. In the absence or unavailability of the City Auditor, the Deputy Auditor is hereby specifically authorized to exercise the powers delegated to the City Auditor in this resolution.

SECTION 15. The validity of such serial bonds or of any bond anticipation notes issued in anticipation of the sale of such serial bonds may be contested only if:

1. (a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within 20 days after the date of such publication; or

2. such obligations are authorized in violation of the provisions of the Constitution of New York.

SECTION 16. The City Clerk is hereby authorized to publish this resolution, or a summary thereof, together with a notice in substantially the form provided by Section 81.00 of said Local Finance Law, in a newspaper having a general circulation in the City and hereby designated as the official newspaper of the City for such publication.

SECTION 17. This Resolution is effective immediately.

**RESOLUTION# 115-26**

**PL #121-26**

By Alderman Bennion, Seconded by Alderman Anastasia

**To repeal and replace Chapter 17 Parks and Recreation. Article II Park Rules, Section 17-28. City parks opening and closing hours. To read as follows:**

**BE IT RESOLVED**, that the City of Olean Code of Ordinances Chapter 17 Parks and Recreation. Article II Park Rules, Section 17-28 is hereby amended to read as follows:

City parks opening and closing hours.

Except when extended by permit, all city parks shall be open to the public from 6:00 a.m. to 9:00 p.m. daily.

- (a) No person may enter upon any city park during those hours when the park is not open except for the purpose of crossing over the park on sidewalks or public ways used for that purpose and kept and maintained by the city for the purpose of egress and ingress across the park.

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

**RESOLUTION# 116-26**

**PL #122-26**

By Alderman Bennion, Seconded by Alderman Keary

**To Repeal the City of Olean Code of Ordinance Chapter 17 Parks and Recreation Article II, and Section 17-29.**

**BE IT RESOLVED**, that the City of Olean Code of Ordinances Chapter 17 Parks and Recreation. Article II Park Rules, Section 17-29 is hereby repealed.

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

**RESOLUTION# 117-26**

**PL #125-26**

By Alderman McCall, Seconded by Alderman Keary

**Amend the City of Olean Code of Ordinance Chapter 21 Streets and Sidewalks, Article II Sidewalk Construction, Maintenance, ETC., Section 21-32 Construction of sidewalks – Permit required.**

**WHEREAS**, the City of Olean Code of Ordinances Chapter 21 Streets and Sidewalks, Article II Sidewalk Construction, Maintenance, ETC., Section 21-32 Construction of sidewalks – Permit required; is hereby amended and shall read as follows:

It shall be unlawful for any person hereafter to construct any sidewalk in any of the streets of the City, or to replace or reconstruct any sidewalk or any portion thereof within the streets of the City, until such person shall have first obtained a written permit from the director of public works approving of the materials, the grade, width, and other filed specifications, as required by this article.

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

**RESOLUTION# 118-26**

**PL #126-26**

By Alderman McCall, Seconded by Alderman Keary

**Amend the City of Olean Code of Ordinance Chapter 21 Streets and Sidewalks, Article III Trees and Shrubs**

**WHEREAS**, the City of Olean Code of Ordinances Chapter 21 Streets and Sidewalks, Article III, Trees and Shrubs, Sections 21-57; 21-58; 21-59; 21-60; 21-61; 21-62; 21-63; 21-64 is hereby amended and shall read as follows:

**Section 21-57 Permit to plant trees or shrubs required.**

(a) No trees or shrubbery shall be planted by abutting landowners, nor any trees removed, between the street line and curblin within the City without receiving a permit, in writing, from the Code Enforcement Department approved by the Common Council.

(b) The permit, if granted, may specify such reasonable terms and conditions to be required for the proposed action, as may be determined by the Common Council and the following provisions:

(1) Tree planting specifications and selections.

- a. Use street-grade trees following American Standard Nursery Stock (ANSI 60.1).
- b. No damage to trunk or leaders.
- c. No girdling roots.
- d. Strong central leaders on trees (no co-dominant stems or included bark).
- e. Caliper to be 1.5 inches to three inches for B&B and 1.5 inches to 2.5 inches for bare root trees.
- f. Acceptable tree species shall be determined by Tree Board by referencing American Standard Nursery Stock and <http://woodyplants.cals.cornell.edu/home>.
- g. Proper judgment shall be used in tree placement by the City Forester following the proceeding standards.

(2) Spacing requirements for street trees.

- a. Thirty feet minimum spacing between trees.
- b. Fifteen feet minimum spacing from utility/light poles and fire hydrants.
- c. Forty-five feet minimum distance from corner with traffic signal present.
- d. Thirty feet minimum distance from all other corners.
- e. Five feet minimum distance from any driveway; three feet minimum distance from any sidewalk.
- f. Five feet minimum distance from underground utility lines, water service boxes, etc.

(3) Site requirements for street trees (applies within City right-of-way).

- a.** Four feet minimum subway width between curb and sidewalk for planting of any tree with root barriers; five feet minimum subway width without root barriers.
- b.** Tree may be planted behind sidewalk, within right-of-way, provided proper spacing requirements are followed.
- c.** Tree pits should have roughly 35 square feet of surface area, such as six feet by six feet, five feet by seven feet, or four feet by eight feet, unless structural soil is used under surrounding paved area.
- d.** No raised planters for trees.
- e.** Trees may be planted under wires to mature at 25 feet or less.
- f.** Impacts on sight distances should be considered.

**(4) Private tree planting standards.**

- a.** Acceptable tree species shall be determined by the Tree Board by referencing American Standard Nursery Stock and <http://woodyplants.cals.cornell.edu/home>.
- b.** Impacts shall be considered on sight distances.
- c.** Trees shall be a minimum of 10 feet from a property line.
- d.** There shall be no underground utilities within five feet of any proposed tree.
- e.** Fifteen feet minimum spacing from utility/light poles and fire hydrants.
- f.** Five feet minimum distance from any driveway; three feet minimum distance from any sidewalk.
- g.** Trees shall not be planted in front of building entrances.

**(5) Park tree planting standards.**

- a.** Acceptable tree species shall be determined by the Tree Board by referencing American Standard Nursery Stock and <http://woodyplants.cals.cornell.edu/home>.
- b.** Impacts shall be considered on sight distances.
- c.** The trees shall be a minimum of 10 feet from a property line.
- d.** There shall be no underground utilities within five feet of any proposed tree.
- e.** Fifteen feet minimum distance spacing from utility/light poles and fire hydrants.
- f.** Five feet minimum distance from any driveway; three feet minimum distance from any sidewalk.
- g.** Trees shall not be planted in front of building entrances.

**(c)** Any person aggrieved by the action of the Common Council on application for a permit may apply to the Common Council, within 15 days of the issuance of such permit or its denial, for a hearing, which shall be held not less than two nor more than four weeks from the date of request for hearing. Notice of public hearing shall be given to the applicant by mail and shall be published once in the Olean Times Herald.

**(d)** At the time of the hearing, the Common Council shall hear all persons wishing to be heard on the application. In its decision on the application for a permit, the Common Council may take into account and consider the effects of the proposed action on the environment, the

neighboring properties, and the safety, health, and welfare of the residents of the community generally.

### **Section 21-58 Tree trimming by property owners.**

All persons owning property in the City abutting upon any street and upon which there are shade trees along such street shall clean out the dead limbs and otherwise trim such trees so that the same will not become dangerous to, obstruct, or interfere with public travel or pedestrians.

### **Section 21-59 Notice to trim trees**

All persons required by notice from the Code Enforcement Department to trim trees, as required under this article, must proceed to do so within 10 days after receiving such notice.

### **Section 21-60 Failure to trim trees**

In case of failure to trim trees, as required under this article, Code Enforcement Department is hereby authorized to do so, and the expense thereof shall be collected from the owner or occupant in the usual or ordinary way by suit and shall become a lien upon the premises.

### **Section 21-61 Permit required by utilities.**

Unless acting under a contract with the City, or unless there be a bona fide emergency, no tree shall be trimmed by any utility company without such utility company's having obtained a permit from the Common Council of the City. Utility companies desiring to obtain such permit may make application to the Common Council which shall contain its plan for the trimming and/or topping of trees. The permit shall be for a term of one year and may contain such reasonable conditions pertaining to the health and welfare of the citizens of the City as may be deemed appropriate to the circumstances. The Common Council shall act upon each permit application within 60 days of its receipt.

### **Section 21-62 Tree removal by property owners; rebate; removal by City.**

**(a)** Any person owning property in the City abutting upon any street and upon which there is a tree which has been deemed by the Tree Board and/or City Forester to be dangerous to, obstructing, or interfering with public travel or pedestrians shall have 30 days to have the tree removed by an insured contractor.

**(b)** The City of Olean will provide a rebate of 1/2 of the cost of such removal by the contractor of the property owner's choice or the City's tree removal contractor, whichever is less, to the property owner upon completion, subject to the following provisions:

**(1)** Eligible tree removal projects for the rebate are those which have been deemed by the Tree Board and/or the City Forester to be dangerous to, obstructing, or interfering with public travel or pedestrians. Trees removed for aesthetic purposes or at the will of the property owner will be ineligible for this rebate.

**(2)** An application (available in the Code Enforcement Department) must be completed and submitted to the Code Enforcement Department by the property owner.

**(3)** Code Enforcement Department inspection and designation of removal requirement by the Tree Board is required prior to the commencement of the project in order for the project to be eligible for the rebate.

**(4)** A permit will be required for the removal of the tree, and all work must be done by a licensed contractor in accordance with City of Olean specifications.

**(5)** A post removal inspection will be performed prior to the release of funding.

**(c)** Any tree that has not been properly removed or maintained within 30 days of notification by the Code Enforcement Department shall be subject to removal by the City of Olean. In such cases where the property owner fails to remove or maintain said tree, or fails to apply for or comply with the procedures of the rebate program, the City's actual cost of removing or maintaining said tree shall become a lien on the premises.

### **Section 21-63 Tree removal - Not required by Tree Board.**

Any person owning property in the City abutting upon any street and upon which there is a tree who desires to remove a tree in this right-of-way must request permission from and obtain required approvals from the Tree Board. In the event that the Tree Board denies such request for approval to remove a tree in the right-of-way, the property owner may appeal the decision to the Common Council within 15 days of the rendered decision of the Tree Board, and the Common Council will review said appeal by their next regularly scheduled meeting. Approval to remove the tree granted by the Tree Board (or Common Council, upon appeal) does not exempt the property owner from obtaining necessary permits from the Code Enforcement Department. A licensed contractor must perform the work required to remove the tree, and removal of a tree not deemed required for the public welfare or safety by the Tree Board will be done solely at the property owner's expense.

### **Section 21-64 Poplar trees prohibited**

No poplar trees shall be placed in the subways of the City, and all poplar trees are hereby declared to be a nuisance and shall be removed by the owners thereof upon 15 days' notice from the Code Enforcement Department.

**BE IT RESOLVED**, that this Resolution is hereby effective immediately

**RESOLUTION# 119-26**

**PL #127-26**

By Alderman McCall, Seconded by Alderman Keary

**Amend the City of Olean Code of Ordinance Chapter 21 Streets and Sidewalks, Article II Sidewalk Construction, Maintenance, ETC., Section 21-35 Maintenance of sidewalks.**

**WHEREAS**, the City of Olean Code of Ordinances Chapter 21 Streets and Sidewalks, Article II Sidewalk Construction, Maintenance, ETC., Section 21-35 Maintenance of sidewalks is hereby amended and shall read as follows:

**(a)** It is the privilege, and, on notice from the Code Enforcement Department, it shall be the duty of any owner of any premises or parcel of land within the City to grade and level the sidewalk in front of the premises or parcel between the street line and the curbline.

**(b)** The Code Enforcement Department may, at the expense of the City, undertake any necessary grading in any area of the City where federal funds are available in full, or in part, for such grading and leveling.

**(c)** It shall be the duty of the owner of any premises in the City, whenever such work shall be ordered by resolution of the common council, to relay and repair existing sidewalks in front of such premises, whenever such work shall be so ordered. It shall be the duty of the owner of any premises in the City to lay new sidewalks when ordered to do so by resolution of the common council, such resolution having been passed pursuant to a showing by appropriate City officials to the council that a new sidewalk is needed pursuant to a plan for the development of the City, or for reasons of safety or health of its citizens.

**(d)** The Code Enforcement Department shall notify the owner of any premises in front of which such work shall be required to be done that if such work is not done by the owner within 20 days, such work shall be done by the City, and the expense thereof shall be assessed upon such premises. This notice shall also notify the owner that he has 20 days to show cause before the Code Enforcement Department why such work should not be done, is not needed, or can reasonably be delayed. Upon the request of the owner for a hearing, pursuant to this section, such hearing shall be scheduled no earlier than five days from the receipt of such request by an owner. Such notice may be served personally or by mailing it in the manner prescribed for the mailing of notices and the mailing of taxes due by the City Assessor. If any such work shall not be done within the time specified in such notice, the department of public works may cause such work to be done. The expense thereof shall be a charge and lien assessed thereon, upon such premises. Where federal funds are available in whole, or in part, in a code enforcement area, or an urban renewal project area, the cost of grading, installing, or replacing sidewalks in that area, may be borne by the City.

**(e)** Whenever the relocation of any installed sidewalks meeting City standards is necessitated on account of the construction of a widened pavement, or any street, the cost or expense therefor shall be paid solely by the City from the general fund. No part of such cost or expense shall be assessed against the premises abutting the sidewalk.

**(f)** The taxes and assessments which are levied for the purpose of paying the expense of sidewalk installation or improvement shall be payable in equal annual installments over a five-year period, with interest charges at the current going rate of investment. Owners of property may have the option to pay the whole of such improvements so assessed to them within 15 days from the time of the completion of such assessment-roll. Such option or

privilege may be exercised at the time when any installment becomes due with the current rate of interest paid.

**(g)** It shall be the duty of the owner of any premises to keep in repair the sidewalk in front of his premises and the driveways serving the premises.

**(h)** If any owner shall neglect to grade or level the sidewalk in front of lands owned or occupied by him for 20 days after notice to do so by the Code Enforcement Department, the Code Enforcement Department may cause such work to be done.

**(i)** If the owner of any lands, the grade or level of which is above the established grade of the sidewalk in front of his lands, shall neglect or refuse to protect such land and to grade such land so as to prevent dirt, earth, stones, or other material from falling or being washed upon the sidewalk of such lands, for 20 days after service upon him of notice, the Code Enforcement Department shall cause such work to be done.

**(j)** No person shall construct or reconstruct a sidewalk on any street, until he shall have obtained written permission to do so from the Code Enforcement Department. Permission to construct or reconstruct a sidewalk may be obtained by the issuance of the Code Enforcement Department of a permit. Sidewalks constructed under a permit shall be constructed of such materials and of such width as may from time to time be specified by the department of public works.

**(k)** It shall be the duty of every owner of any premises fronting on any public street to keep the sidewalk in front of his premises in good order and repair and to allow no accumulation of dirt, refuse, or other material to remain thereon.

#### **RESOLUTION #121-26**

#### **PL #123-26**

By Alderman Bennion, Seconded by Alderman Forney

#### **TO AWARD THE CONTRACT FOR THE BARTLETT HOUSE ROOF REPLACEMENT BID TO ONROHO HOME IMPROVEMENT CORP**

**WHEREAS**, the Common Council authorizes the award of the contract for the Bartlett House roof replacement to ONRHO Home Improvement Corp.

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

#### **RESOLUTION #122-26**

#### **PL #124-26**

By Alderman McCall, Seconded by Alderman Anastasia

**To authorize the Mayor to execute a Grant Agreement with the United States Department of Transportation under the Infrastructure Investment and Jobs Act Safe Streets and Roads for All (SS4A) grant program for funding associated with the development of a comprehensive safety action plan to prevent roadway fatalities and serious injuries**

**Whereas**, the United States Department of Transportation’s Infrastructure Investment and Jobs Act established the Safe Streets and Roads for All (SS4A) competitive grant program with \$5 billion in appropriated funds over a five year period to provide funding through grants to prevent roadway fatalities and serious injuries; and

**Whereas**, the SS4A program supports the U.S. Department of Transportation’s National Roadway Safety Strategy and the goal of zero roadway deaths using a Safe System Approach; and

**Whereas**, Planning and Demonstration Grants are available through the SS4A program to aid in the development, completion, or supplementation of an “Action Plan”, a comprehensive safety action plan to prevent roadway fatalities and serious injuries in a locality or region; and

**Whereas**, the City of Olean applied for and was awarded funding through the SS4A grant program for costs associated with the development of an Action Plan with a total estimated cost of \$173,000;

**Now, Be It Resolved**, that the Common Council of the City of Olean authorizes the Mayor to execute a Grant Agreement with the United States Department of Transportation under the Infrastructure Investment and Jobs Act Safe Streets and Roads for All grant program for funding in the amount of \$138,400 associated with the development of a comprehensive safety action plan for the City of Olean to prevent roadway fatalities and serious injuries.

**Resolved**, that the Common Council hereby creates Capital Fund #257, SS4A Grant Program, and hereby appropriates the 20% required local match with the following fund transfer:

| <b>Account #</b>  | <b>Description – General</b>   | <b>Transferred From</b> | <b>Transferred to</b> |
|-------------------|--------------------------------|-------------------------|-----------------------|
| A-01-5-xxx.xxx    | XXX                            | \$34,600                |                       |
| Capital Fund #244 | Demolition of Unsafe Buildings |                         | \$34,600              |

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

**RESOLUTION # 123 -26**

**PL # 128-26**

By Alderman McCall, Seconded by Alderman Forney

**TO AUTHORIZE AND DIRECT TO DIRECTOR OF PUBLIC WORKS TO CONTACT THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION TO TERMINATE THE WAYNE STREET SHARED USE PATH GRANT AGREEMENT, PROJECT ID No. 5764-710, AND TO CONTACT ERDMAN ANTHONY TO TERMINATE THEIR ARCHITECTURAL / ENGINEERING CONSULTANT CONTRACT FOR SAID PROJECT IN ORDER TO DISCONTINUE THE WAYNE STREET SHARED USE PATH PROJECT**

**WHEREAS**, the City of Olean was awarded funding through the New York State Department of Transportation's Transportation Alternative Program for funding associated with the Wayne Street Shared Use Path Project in 2023; and

**WHEREAS**, the City of Olean entered into a Grant Agreement with the New York State Department of Transportation for said grant funding, Project No., 5764.70, Comptroller's Contract No. D040855; and

**WHEREAS**, the City of Olean entered into an Architectural / Engineering Consultant Contract with Erdman Anthony for design and engineering services for said project; and

**WHEREAS**, the Common Council has received updated estimated costs for the total project and have found the overall financial contribution required by the City of Olean to complete said project is in great excess of the original budgeted amount; and

**WHEREAS**, due to the unforeseen additional financial contribution required, the City of Olean has determined the project is no longer financially feasible and wishes to discontinue the project;

**NOW, THEREFORE, BE IT RESOLVED**, that the Common Council authorizes and directs the Director of Public Works to contact the New York State Department of Transportation to terminate the Wayne Street Shared Use Path Grant Agreement, Project ID No. 5764-710, and to contact Erdman Anthony to terminate their Architectural / Engineering Consultant Contract for said project in order to discontinue the Wayne Street Shared Use Path Project.

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

**RESOLUTION # 124 -26**

**PL # 129-26**

By Alderman McCall, Seconded by Alderman Crawford

To authorize the Mayor to change the agreement, **CITY OF OLEAN – WAR VETERANS PARK SPLASHPAD NOTICE OF INTENT TO DECLARE DEFAULT AND TERMINATE**; requiring that all corrective work be completed by October 16, 2026.

**WHEREAS**, the City of Olean War Vets Park Splash Pad quality of workmanship is unacceptable and does not meet the requirements or standards expected; and

**WHEREAS**, the City of Olean has issued a letter of Intent to declare default and terminate the Contract; and

**WHEREAS**, in the Letter of Intent, date was requiring that all corrective work be completed by September 25, 2026

**THEREFORE, BE IT RESOLVED**, that the Common Council authorizes and directs the Mayor to change the corrective work completion date to October 16, 2026.

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

#### **14. ADJOURNMENT**