

PUBLIC SAFETY

Tuesday, August 15, 2017 – 5:30 p.m.

Police Training Room – Olean Municipal Building

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

1. Roll Call

Alderman Andreano called the meeting to order at 5:30 p.m. and asked that the record show that all committee members were present except Alderman George, who was excused.

2. Approval of Minutes of the Previous Committee Meeting (Tuesday, July 18, 2017)

A motion to approve the minutes of the July 18, 2017 Public Safety meeting was made by Alderman Andreano, seconded by Alderman Smith. Voice vote, ayes all. Motion carried.

3. Agenda Amendment

A motion to amend the agenda to discuss new referrals prior to unfinished business was made by Alderman Andreano, seconded by Alderman Witte. Voice vote, ayes all. Motion carried.

4. New Referrals for Consideration

- a. PL #68-17: (Aiello) To amend and replace the City of Olean Code of Ordinances Chapter 5, Article I, Section 5-3, Fowl Running at Large Prohibited, to “Animals Running at Large Prohibited”.

Alderman Andreano stated that there is an issue in Ward 3 with cows that are running through a fence onto neighboring properties, causing damage. She stated that there is evident damage in the yards, as well as animal excrement. She stated that this proposed amendment to the Code is the first step, and that after speaking with Albany’s Agricultural department, she has found that if it does not work, that there are other avenues that we can explore.

Mr. DiCerbo stated that the Code currently allows only certain animals in the City, and that we are not changing. We are changing the Code to state that no animals can run at large, so that the owner of an animal that is not confined to their property can receive a ticket, as well as be subject to responsibility if property is damaged.

Alderman Gonzalez questioned if this includes cats, and Mr. DiCerbo stated that it is already in the Code that you must keep your cat on your own property. This section will seem to double cover the cats, as well as add cows, chickens, and other animals.

Rob DeFazio, a homeowner on Indiana Avenue, stated that everyone in the neighborhood is quite frustrated with this issue. This has been going on for several years, and that is way too long. He has pictures and videos of the cows that are coming onto his property. Alderman Crawford questioned if this is the first time that he's come to the City with this issue, and he replied that it is not. Alderman Andreano added that there have always been hiccups correcting the issue because the farm that is causing the issues was grandfathered in when the most recent Zoning Ordinance was passed, and they are still considered "agricultural".

Alderman Crawford questioned if there is a fence, and Mr. DeFazio replied that there is a fence, but the cows are able to run through it. Alderman Crawford questioned if there will still be tickets issued if the animal is able to break out of a confined area, and Mr. DiCerbo replied that the ticket can still be issued. Mr. DeFazio added that the fence that is being broken through is not well taken care of.

Alderman Witte stated that, after a few tickets, it may be cheaper for the property owner to fix the fence rather than to continue paying tickets.

Alderman Smith questioned if this gives the City the legal ability to ticket and enforce. Mr. DiCerbo replied that it does.

Alderman Andreano stated that there is a next step that they can take with the County if this legislation does not fix the issue.

Alderman Gonzalez stated that the new ordinance is fine with him, but it doesn't fix the problem. We can ticket the property owner, but we can't make them fix the fence. Mr. DiCerbo stated that the property owners who are experiencing the damage have the right to take the owner of the animals to civil court for damages. The City can only do so much.

Mr. DeFazio stated that there has to be a permanent solution. The cows are aggressive and creating a dangerous situation. They used to call the owners when the cows broke through the fence, but it has gotten to the point that the owners no longer answer their calls.

Alderman Witte questioned if we are able to make them fix their fence, and Alderman Andreano replied that when she spoke with Agricultural and Markets, we are not. Mr. DiCerbo stated that it is an inherent problem in the farming industry that cows get out.

Alderman Smith stated that he feels that this is a good place to start. It gives the City some teeth.

Alderman Andreano asked if this will require the animal's owner to pay court costs, and Mr. DiCerbo replied that it does not, but we will be able to collect restitution. Alderman Witte questioned if Mr. DeFazio had gone after restitution, and he stated that he has not because a law such as this has not been in place. Alderman Gonzalez advised him to pursue civil action if the issue continues.

A motion to approve PL #68-17 was made by Alderman Gonzalez, seconded by Alderman Andreano. Voice vote, ayes all. Motion carried. Referred to City Attorney for Resolution.

5. Unfinished Business

- a. PL #25-17: (Dougherty) To amend and replace the City of Olean Code of Ordinances Chapter 12 in its entirety with the following: Chapter 12, Property Maintenance and Residential Occupancy Code: Article I, Property Maintenance Code; Article II, Residential Occupancy Certificates; and Article III, Rental Dwelling Registration, Inspection and Occupancy permits.

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

6. Approval of Committee Reports

A motion to approve Committee Reports was made by Alderman Gonzalez, seconded by Alderman Witte. Voice vote, ayes all. Motion carried.

7. Executive Session

A motion to enter into executive session to discuss personnel issues was made by Alderman Gonzalez, seconded by Alderman Crawford. Voice vote, ayes all. Motion carried. Executive session began at approximately 5:50 p.m.

A motion to adjourn from executive session was made by Alderman Gonzalez, seconded by Alderman Dougherty. Voice vote, ayes all. Motion carried. Executive session adjourned at approximately 6:00 p.m.

8. Adjournment

A motion to adjourn was made by Alderman Gonzalez, seconded by Alderman Andreano. Voice vote, ayes all. Motion carried. Meeting adjourned at approximately 6:00 p.m.