

Journal of Proceedings

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

June 6, 2017

**COMMON COUNCIL CHAMBERS
COUNTY OF CATTARAUGUS
STATE OF NEW YORK**

A Special Meeting of the Olean Common Council of the City of Olean was held on Tuesday, June 6, 2017 at 5:30 p.m.

PRESENT: Aldermen Gonzalez, Witte, Andreano, Dougherty, Crawford, Smith, and George

ABSENT: None

OFFICIALS: Mayor William Aiello; Nicholas DiCerbo, Jr., City Attorney; Bob Bell, Fire Chief; Ed Jennings, Code Enforcement Supervisor; Jeff Rowley, Police Chief, and Tiffany Taylor, Managerial Confidential Administrative Secretary

RESOLUTIONS

Mayor Aiello stated that we have been going back and forth with the SPCA for almost a month regarding their contract. He thinks that we came to somewhat of an agreement. The settlement includes the SPCA picking up dogs in the City, at the direction of the Police Department only, with a fee to the City of \$300 per dog. In cruelty cases, there is a fee of \$20 per call out plus \$10 a day. Medical costs are a separate issue. Alderman Crawford stated that he believes that medical is capped at \$500 in cruelty cases.

Alderman Smith stated that the contract states that the \$500 covers all reasonable and necessary medical expenses, as well as any required euthanasia and disposal. He questioned if the \$500 is a maximum cap or if it is only for the medical expenses, and Mr. DiCerbo replied that there is not a cap on the \$10 per day holding. He reminded the Council that any case investigated as a cruelty case must be initiated by the City in order for the City to pay for it. Alderman Gonzalez added that a "cruelty" case is for when the animal is proof of the owner's crime, and it is not meant for strays.

Alderman Andreano questioned the \$150 per dog and \$75 per cat holding fee in the contract. Alderman Gonzalez stated that a key part of the new contract is that the SPCA would be getting out of the cat "business" in the City. Citizens can still take cats to the SPCA and drop them off, but they would be required to pay the fee. Alderman Andreano questioned if this means that this section should be removed from the contract, and Mayor Aiello stated that it should be. Cats are not part of the contract, and all wording will be removed prior to signing.

Alderman Gonzalez stated that, just because cats were removed from this contract, doesn't mean that the City is ignoring the feral cat issue. We are handling the dog issues with this contract, and then we will work on cats down the road. Alderman Crawford added that the SPCA is looking into funding for a trap, spay/neuter, vaccinate, release program, and we will look into this as well down the road. However, while cats are a nuisance, dogs can be dangerous, and we want to ensure that we have a mechanism in place to deal with that. If we look at the numbers that the SPCA presented of dogs picked up last year, this should keep us in line with the \$30,000 budgeted for this year.

Alderman Witte questioned if the SPCA would be going after grants, and Alderman Crawford replied that is what she communicated to us. Alderman Witte stated that she is

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cautious because that is what she has heard for years, and she has never seen them move forward. She only gets calls about cats, not dogs.

Alderman Dougherty questioned what will happen if a dog is picked up, and then the owner picks it up at the SPCA. Mr. DiCerbo replied that the owner will be ticketed for allowing their dog to run at large, and we will attempt to collect what we have paid the SPCA for their services. Mayor Aiello stated that everything the SPCA does for the City will need to be initiated by the police department and therefore will involve police reports. This will make it easier to prosecute an owner for allowing their dog to run at large.

Alderman Gonzalez asked if the SPCA would no longer accept dogs at the SPCA from the City that are dropped off by private citizens. Mayor Aiello replied that they can, if the citizen is willing to pay the fee to the SPCA. If the SPCA accepts an animal and there is no police direction to collect the animal, then the City won't pay.

Alderman Crawford stated that perhaps this will encourage the police department and citizens to mitigate situations before the SPCA gets involved. For example, if a neighbor finds a dog that is running loose in the neighborhood, perhaps they will visit their neighbors to find out who the owner is rather than just dropping the dog off at the SPCA.

Alderman Crawford continued in stating that he believes that this is a mutually agreeable proposal. We are remedying the most serious problems, while allowing us to look at other avenues for other issues in the future.

Alderman Witte questioned if the SPCA will now be euthanizing animals. Alderman Crawford replied that they are still a no kill shelter; however, if it is necessary because the animal won't survive its immediate condition, they will euthanize the animal to prevent further pain and suffering. This is only done when absolutely necessary.

Mayor Aiello stated that there is a 30 day cancellation clause in the contract for both parties, so it can be renegotiated if necessary. Alderman Gonzalez added that this is a one year deal, so we are not locked into a long term agreement at this time.

Alderman Smith stated that the City and the SPCA both agreed on the cat issue. What was done before is financially unattainable for both the SPCA and the City. An open-ended contract was in neither party's best interest.

Alderman Witte questioned when the last dog census occurred, and Mayor Aiello stated that one needs to be done. Mr. DiCerbo stated that he believes it was a part of the previous agreement, but it was never done. Mayor Aiello stated that we will have to take a look at this and make a decision. Alderman Gonzalez questioned if this is expensive, or if we can do this with existing staff. Mayor Aiello stated that the last time it was done, we hired several people to go door to door to complete the census. We will have to look at the cost factor.

RESOLUTION #51-17

PL #NONE

By Alderman Crawford, Seconded by Alderman Andreano

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**RESOLUTION AUTHORIZING THE MAYOR TO SIGN A CONTRACT WITH THE
CATTARAUGUS COUNTY SPCA FOR CONTINUED ANIMAL CONTROL SERVICES FOR THE
CITY OF OLEAN**

WHEREAS, the parties are desirous to enter into an agreement to provide certain animal control services within the City of Olean, New York;

RESOLVED, that the Mayor is hereby authorized and directed to sign a one-year “Agreement Between the City of Olean and the SPCA in Cattaraugus County, State of New York” for the period June 1, 2017 through May 31, 2018.

RESOLVED, that this Resolution will be effective immediately.

ROLL CALL, AYES ALL. MOTION CARRIED.

ADJOURNMENT

Motion to adjourn was made by Alderman Gonzalez, seconded by Alderman Andreano. Voice vote, ayes all. Motion carried. Meeting adjourned at approximately 5:50 p.m.

Alexander Utecht, City Clerk

Mayor William J. Aiello

Paul Gonzalez, Council President

I hereby approve the foregoing minutes

Dated: ____/____/_____

**STATE OF NEW YORK
COUNTY OF CATTARAUGUS
CITY OF OLEAN**

I, Alexander Utecht, 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.

Alexander Utecht, City Clerk