

## PUBLIC SAFETY

Tuesday, December 5, 2017 – 6:05 p.m.

Police Training Room – Olean Municipal Building

Present: Members: Vice Chairman Andreano, Alderman Witte, Alderman Dougherty, Alderman Crawford, Alderman Smith, and Alderman George. Others: Nicholas DiCerbo, Jr., City Attorney; Bob Bell, Fire Chief; Jeff Rowley, Police Chief, and Tiffany Taylor, Managerial Confidential Administrative Secretary.

### 1. Roll Call

Alderman Andreano called the meeting to order at 6:05 p.m. and asked that the record show that all committee members were present except Alderman Gonzalez, who was excused.

### 2. Approval of Minutes of the Previous Committee Meeting (Tuesday, November 7, 2017)

A motion to approve the minutes of the November 7, 2017 meeting minutes was made by Alderman Andreano, seconded by Alderman Crawford. Voice vote, ayes all. Motion carried.

### 3. Unfinished Business

None

### 4. New Referrals for Consideration

#### a. Discussion – Cattaraugus County “Catnippers”

Alderman Crawford introduced Jamie Lawrence, the director of Cattaraugus County Catnippers; Edie Offhaus of Feral Cat Focus; and Peter Reese, an attorney from Erie County who supports and advocates for the TNVR program.

Ms. Offhaus began by stating that she is the cofounder of Feral Cat Focus, as well as the cofounder and President of Operation Pets, a low cost spay and neuter program in Western New York. She stated that we have a cat problem in the area, and she is here to give the City ideas to help with the overpopulation of cats. There are three things that the City can do: we can catch and kill the cats, we can leave the situation alone, or we can institute a Trap Neuter Spay Release (TNVR) program.

She continued in stating that the idea is not to drop cats all over Cattaraugus County. We find caregivers who are willing to use their own money to help the cats and the situation, and the caregivers feed the cats. They take them to a low cost spay and neuter clinic for cats and dogs. The low cost clinic in Erie County spayed and neutered 2,700 feral cats last year.

Ms. Offhaus stated that we need two things to get this started. The first is a good feral cat program. People can come to the City to show how to trap the cats, and then ensure that they are spayed and neutered, and cared for after their release. She stated that it is proven that the more stray and feral cats that are spayed and neutered, the lower the populations will be. If the County spays and neuters the feral and stray cats, newcomers will not come to the area because there is no one for them to mate with. A perfect example is West Seneca, where Operation Pets stepped in and aided the community with a TNVR program. After only three years, they are seeing their numbers dropping.

She stated that the second thing we need is a low cost spay and neuter clinic. Erie County has a program that costs \$25. It is subsidized and grants are written, but there are a lot of things that the City can do to be able to set up such a program. The City could look at working with the SPCA. She is willing to walk us through the process, if we like.

Ms. Lawrence stated that they are willing to help, if we are willing to have them.

A resident who lives on the corner of South 10<sup>th</sup> Street and Irving stated that she has lived in the same house for 40 years. The cats were not a problem until three or four years ago. A man passed away who had lived next door, and the house became condemned with his cat still in the neighborhood. She took care of the cat, who had 17 offspring in two years. The cat ate pizza crust that she had thrown out for the birds, since it had nothing else to eat. The SPCA doesn't help.

Alderman Crawford stated that we are all about trying to create sustainability. He doesn't feel that driving to Buffalo to have an animal fixed is a viable option. Financing is also an issue. He questioned what the City needs to do. Ms. Lawrence responded that first, the ordinances in the City need to be changed. Right now, they can't help us because technically it would be breaking our laws. The City also needs a standalone clinic in conjunction with the SPCA, and funding grants need to be explored. She recommended using a City-owned building and putting out an RFP for a vet. In their experience, paying per diem kept costs low.

Alderman Andreano questioned the per diem rate. Ms. Lawrence stated that they had one vet who cost \$50 an hour, and 7-8 cats could be done per hour, approximately.

Alderman Witte questioned what we would need to do to change the ordinances. Mr. Reese stated that he considers there to be five different levels of a good TNVR ordinance. The first level is for a municipality to not require themselves to deal with cats, which makes TNVR legal. Olean has a leash law, and there is no way that a cat can be contained on a property when they go outside. We have to get rid of this law. Alderman Andreano responded that the law was created in response to issues from other animals such as cows, and Mr. Reese stated that cats need to have their own section in the Code.

He presented a handout to the committee from the International City/County Management Association, which showed information regarding the success of TNVR programs and cat populations. He showed that leash laws, pet limit laws, and licensing laws do not work. What does work is management of the cat communities.

Mr. Reese stated that first, the City needs to eliminate their leash law regarding cats. Next, the City needs to pass an ordinance that allows for TNVR, and that it is okay for a resident to practice this on their own. With our current ordinances, a resident who practices TNVR can be ticketed for releasing the cat once it is spayed or neutered.

He stated that the next level of ordinance would be for the City to enshrine in the Code that TNVR is a good thing for the City of Olean, and if a resident partakes in TNVR, they will not be ticketed. The next level is to provide funding for the program. The City of Buffalo spent \$50,000 to assist in volunteer costs for TNVR.

If you want to get to any level, you need to at least make it legal to practice TNVR, and encourage volunteers to do it and not bother them for doing so. He stated that another municipality had a Resolution regarding animal issues, but it was forgotten about with Code Enforcement. This is why he promotes putting the legislation in the Code of Ordinances, so it is not forgotten.

Mr. Reese stated that we need to change our mindset as well. There is no reason that cats need to live in houses. In fact, many are better fitted to live outside. If someone calls because there is a cat in their backyard, we need to be able to tell them that it's okay, and then refer them to people that can help. Cats are as ubiquitous as other wildlife, like squirrels and chipmunks.

Alderman Dougherty expressed concern with redefining a cat as non domesticated animals. He can kill nuisance birds on his property, if he buries them on site. We do not want to see the cat situation move in this direction. Mr. Reese stated that according to the Agricultural and Markets Law, if you feed a cat, you own it.

Mr. Reese continued in stating that cat hoarding is a mental hygiene issue, not a roaming issue. Many bad laws were written in response to cat hoarding situations. There are always compromises. He added that cats may use a flowerbed for a litter box, but it is more likely skunks digging up the flowers.

The South 10<sup>th</sup> Street resident stated that the only reason cats are a nuisance are because of irresponsible pet owners. She just started feeding a cat that came with a collar. People need to be educated, and if you have a cat, treat it like any other animal that you would own. You can't let them roam the neighborhood.

Alderman Witte questioned who has the best cat ordinance, for reference. Mr. Reese stated that the City of Buffalo has the “grand daddy” of cat ordinances. He stated that, however, any ordinances that allows for the practice of TNVR to the standards of Feral Cat Focus or another related agency is okay, too. He also agrees that he cannot wait for the last irresponsible pet owner to go away.

- b. PL #97-17: (Gonzalez) To adopt Local Law #01-2017 prohibiting the occupancy of an existing structure after a change of ownership or change of occupancy classification until a Certificate of Occupancy has been issued by the City of Olean Department of Buildings and Code Enforcement.

Mr. DiCerbo stated that this is a Local Law that requires the inspection of a property upon sale or change of occupancy. Now that the Council has finalized the Code change, this is the accompanying piece.

He continued in stating that the ability to adopt a local law is bestowed upon a municipality by the State Constitution. An ordinance is allowed by the state for a municipality to further adopt laws in relation to state laws, in this case, the Building and Fire Code.

Alderman Andreano questioned if this should be voted on before the ordinance, and Mr. DiCerbo stated that the two should have gone hand in hand. However, they do not need to be voted on in a specific order or at the same meeting.

Alderman Witte questioned if the checklist has been finalized for the inspections. Mr. DiCerbo stated that it is not ready. However, the Council should be aware that they are not passing the checklist. The checklist is being passed as delegation to the Fire Chief and Code Enforcement to make decisions on. Alderman Smith questioned if this means the Council does not have to vote on the checklist, and Mr. DiCerbo replied that is correct.

Mr. DiCerbo stated that the State really hasn’t acted in the area of lead paint. Asbestos is more of an issue. Lead based paint has to be disclosed, but does not have to be removed. Alderman Smith stated that he is not hot on the City becoming a lead enforcement agency. We do not have the capacity to do that. Mr. DiCerbo stated that Real Property Law requires, when a unit is rented, that the landlord is supposed to do a lead based paint disclosure with the lease.

A motion to approve PL #97-17 was made by Alderman Dougherty, seconded by Alderman Crawford. Voice vote, ayes all. Motion carried. Referred to City Attorney for Resolution.

## 5. Approval of Committee Reports

A motion to approve committee reports was made by Alderman Andreano, seconded by Alderman Dougherty. Voice vote, ayes all. Motion carried.

## 6. Adjournment

A motion to adjourn was made by Alderman Andreano, seconded by Alderman George. Voice vote, ayes all. Motion carried. Meeting adjourned at approximately 6:45 p.m.