

Journal of Proceedings

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

December 18, 2018

COMMON 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 Tuesday, December 18, 2018 at 6:45 p.m.

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

ABSENT: *None*

OFFICIALS: *Mayor William Aiello; Lens Martial, City Clerk; Nicholas DiCerbo, Jr., City Attorney; Fred Saradin, City Auditor; Bob Ring, Director of Public Works; Bob Bell, Fire Chief; Jeff Rowley, Police Chief, and Tiffany Taylor, Managerial Confidential Administrative Secretary.*

At this time a prayer was given by Rev. Tyrone Hall of The Lighthouse Church of God of Prophecy, followed by a salute to the flag.

READING, CORRECTING & APPROVAL OF THE MINUTES OF THE PREVIOUS REGULAR MEETING

A motion to approve the minutes of the December 11, 2018 meeting was made by Alderman Witte, seconded by Alderman Gonzalez. Voice vote, ayes all. Motion carried.

COMMITTEE REPORTS & UNFINISHED COUNCIL BUSINESS

None

COMMUNICATIONS FROM THE MAYOR

Announcement of Retirement – Fr. Greg Dobson, long time Police Department Chaplin

Welcoming of Rev. Patrick Melfi, long time Fire Department Chaplin and new Police Department Chaplin

MISCELLANEOUS COMMUNICATIONS

None

CITY OFFICIAL REPORTS

None

PROPOSED LEGISLATION AND REFERRALS

None

PUBLIC COMMENT/INPUT

None

FINANCE / BILLS

By Alderman Witte, Seconded by Alderman George

The Auditor has processed bills and claims against the City of Olean as per list submitted to each Alderman and recommends payment thereof.

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***WHEREAS**, the Auditor has presented to the Common Council, bills and claims against the City of Olean totaling \$2,399,693.64 for the budget and recommends payment thereof.*

***NOW, THEREFORE, BE IT RESOLVED**, that the same be and are hereby audited and allowed, and the Auditor is hereby authorized and directed to draw warrants for the payment thereof at the amounts set opposite each respective claim.*

***ROLL CALL, AYES ALL EXCEPT ALDERMAN SMITH, WHO ABSTAINED.
MOTION CARRIED.***

RESOLUTIONS

RESOLUTION #121-18

PL #119-18

By Alderman Crawford, Seconded by Alderman Witte

***TO AMEND THE CITY OF OLEAN CODE OF ORDINANCES CHAPTER 5, SECTION 5-3 TO
DESIGNATE THE PROCEDURE FOR FELINES RUNNING AT LARGE, AND TO INCLUDE
CHAPTER 5, ARTICLE III, FERAL CATS***

***RESOLVED**, that the City of Olean Code of Ordinances Chapter 5, Section 5-3, is amended to include the following:*

(c) Any feline found running at large will be treated as a stray cat and will be subject to the TNVR policy as detained in Article III of this Chapter.

***RESOLVED**, that Chapter 5 of the Code of Ordinances is hereby amended to include the following Article:*

Article III

Feral Cats

§ 5-40 Definitions.

For the purpose of this article:

AT LARGE

Not confined, outside an area of escape such as a pen, corral, yard, cage, house, vehicle, or other secure enclosure, unless otherwise under appropriate human control.

COLONY

A group of one or more community cats.

COMMUNITY CAT

Any cat that is:

A. Homeless, stray, or at large, where the cat:

(1) Has been socialized to people, or is less than five weeks old;

(2) Could become feral as connection with humans is farther removed; and

(3) In the case of cats older than five weeks, has a good potential to quickly become domesticated once again; or

B. Feral, where the cat:

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- (1) *Is not socialized towards humans;*
- (2) *Is born in the wild or is the offspring of an owned cat; or*
- (3) *Is a formerly owned cat that has been abandoned; or*
- C. *A cat that lives in the community but is not owned by a human, sometimes referred to as a "free-roaming" or "street" cat.*

DOMESTICATED CAT

A cat:

- A. *That is social towards humans;*
- B. *That currently lives within the residence or on the property of a person or persons accepted as the cat's owner; and*
- C. *That is considered appropriate as a companion for humans.*

EAR TIPPING

A straight-line cutting of the tip of the left ear of a cat while the cat is anesthetized.

NEUTER

To permanently sterilize male cats to render them incapable of impregnating female cats by means of either surgery performed to remove the reproductive organs or chemical sterilization by which the cats are injected with a drug approved by the United States Food and Drug Administration for that purpose.

SPAY

To permanently sterilize female cats to prevent estrus (heat) cycles and eliminate their ability to become pregnant by means of either surgery performed to remove the ovaries and uterus or chemical sterilization by which the cats are injected with a drug approved by the United States Food and Drug Administration for that purpose.

STERILIZE

To spay or neuter a cat.

TRAP, NEUTER, VACCINATE, AND RETURN PROGRAM or TNVR

A program in which community cats are humanely trapped, evaluated, vaccinated, sterilized, and ear tipped by a veterinarian and returned to the trap location with the intent of controlling or reducing feline population and reproduction.

VETERINARIAN

A person licensed to practice veterinary medicine in the State of New York.

§ 5-41 Trap, neuter, vaccinate, and return program policy.

- A. *TNVR of community cats shall be legal in the City of Olean, and interested citizens are encouraged to participate in and support TNVR activities on a voluntary basis.*
- B. *All persons who attempt to trap community cats for TNVR in the City of Olean should be familiar with the guidelines, supported by regional and national feral and community cat organizations, regarding appropriate methods of TNVR.*
- C. *Socialized cats and all kittens subject to TNVR shall be eligible to be, but not mandated to be, re-socialized and put up for adoption.*
- D. *An ear-tipped cat received by local shelters shall be returned to the location where trapped unless veterinary care is required. A trapped ear-tipped cat shall be released on site unless veterinary care is required.*

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E. *It shall not be a violation of this section to determine that the best course of action for a particular cat, or cat colony, is to be left alone.*

§ 5-42 Implementation of policy.

The City of Olean shall implement and administer this article in consultation with community cat welfare experts, including the Cattaraugus County Catnippers.

ROLL CALL, AYES ALL. MOTION CARRIED.

RESOLUTION #122-18

PL #120-18

By Alderman Crawford, Seconded by Alderman Witte

**TO AMEND THE CITY OF OLEAN CODE OF ORDINANCES CHAPTER 2, ARTICLE VI, TO
INCLUDE DIVISION 3, AUDIT AND COMPLIANCE COMMITTEE REPORTING POLICY**

RESOLVED, that the City of Olean Code of Ordinances Chapter 2, Article VI is amended to include the following:

Division 3: Audit and Compliance Committee Reporting Policy

Section 2- 173 Disclosure of Litigation

The City Attorney shall disclose to the Audit Committee in writing (as established by Resolution 01-2018) with a copy to the Mayor and the Common Council, no less than quarterly, any litigation matter involving the City where there is at least a reasonable possibility that such litigation may result in a loss in excess of \$50,000.00; or either of the following conditions exists:

a. The City's insurance carrier declines coverage of the litigation liability; or

b. An exposure to a litigation loss exists in excess of the amount of insurance coverage available to the City.

Disclosure of any information contained in the report prepared by the City Attorney shall not be deemed an admission of liability nor shall it be construed a waiver of the Attorney Client privilege.

Sec. 2-174 through 2-180. (Reserved)

ROLL CALL, AYES ALL. MOTION CARRIED.

ADJOURNMENT

Alderman Andreano wished everyone a safe and happy holiday.

Motion to adjourn was made by Alderman Crawford, seconded by Alderman Gonzalez.

Voice vote, ayes all. Motion carried. Meeting adjourned at approximately 7:00 p.m.

Lens Martial, City Clerk

Mayor William J. Aiello

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John Crawford, Council President

I hereby approve the foregoing minutes
Dated: ____/____/____

STATE OF NEW YORK
COUNTY OF CATTARAUGUS
CITY OF OLEAN

I, Lens Martial, 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.

Lens Martial, City Clerk