

COMMON COUNCIL

Special Meeting

April 2, 2019

Mayor Christine Carnrike presided at a meeting of the Common Council held at 6:30 PM on April 2, 2019, in the Common Council Chambers at One Court Plaza.

Present:

Mayor Christine Carnrike
Ald. Matthew Caldwell
Ald. Brian Doliver
Ald. John Deierlein
Ald. Linda Kays-Biviano
Ald. Robert D. Jeffrey

Also:

Director of Finance/City Clerk Dee DuFour
DPW Superintendent Edward Pepe
Fire Chief Jan Papelino
Police Chief Rodney Marsh
City Attorney Steve Natoli

Media Representative: Tyler Murphy
Fox News

Supervisor Robert M. Jeffrey

Absent

Ald. David Zieno
Supervisor James McNeil

Call to Order

The meeting of the Special Common Council was called to order by Mayor Carnrike at 6:30 p.m.

Mayor Carnrike explained this proposed Ordinance came about after numerous complaints received by this Council as well as previous Councils going back to the 1990's. Rather than ignoring this issue, a proposed Ordinance was created with the result of tonight's Public Hearing. She stated this is an emotional issue for all and reminded the approximately 70 people in attendance of the rules and procedures for all Public Hearings.

Public Hearing – Proposed Ordinance No. (B) - §153 - Animals - Mayor Carnrike opened the Public Hearing at 6:35 p.m. for Proposed Ordinance No. (B) - §153 – Animals.

PROPOSED
ORDINANCE NO. (B)
OF 2019

BE IT ORDAINED by the Common Council of the City of Norwich, New York, that Chapter 153, Animals, be amended as follows:

Article IV Animal Nuisance

§ 153-29 Animal Waste and Other Disturbances:

A. No person shall dispense, feed, or otherwise make available to any species of wildlife or cats, either on such person's property or on the property of another or of the City, any type or amount of food in a manner that:

1. Creates an unclean, unsafe, or unsanitary condition
2. Results in the accumulation of feces
3. Attracts other wildlife, vermin or pests

B. Penalties:

Violation of this provision with this ordinance requires a minimum fine of \$50.00 for the first offense, \$100.00

for the second offense, \$200.00 for the third and subsequent offense within a year of previous violations. Each offense is given one week duration to correct. If violations do not cease once penalties reach \$1,000.00, a court appearance ticket may be issued. Penalties not paid shall be added to the owner's property tax bill for collection.

Public Comment was heard from 31 people (address is Norwich unless stated otherwise):

Robert Raphael, former Mayor and Norwich resident congratulated the Council on attempting to solve the ongoing problem making reference to two problem areas in the City. He stated in the past, places have been condemned or their certificate of occupancy revoked due to cat colonies. He suggested doing something different by looking to experts in the field. He has trapped 8 cats and taken them to Heather Davis who gets them treatment and finds homes for them. He suggested rather than TNR (trap, neuter, release), homes should be found for the cats. With any program, results will not be seen immediately.

Bob Jeffrey, 17 York St. and City Supervisor thanked the Council for having the courage to bring up this difficult topic. He stated there are approximately 100 cats on the east side of the City. A healthy number of feral cats keeps down the mice and rat population. The City cannot use taxpayer money (per NYS) for a TNR program. He is looking forward to hearing some ideas and recommends the Council assist volunteers and organizations, even if it takes years to see results.

Erin Insigna, Delaware Valley Humane Society, Sidney, said that starving these animals is not the right answer; TNR is the only way to reduce the problem and will take a long time. She said there are programs available that can help and is willing to help Norwich access these programs. Feral cats pose health risks to the community, they overpopulate, and shelters can't take them and they can't be adopted out.

Libby Post, NYS Animal Protection Federation, Albany, distributed materials to the Council. She understands there is a problem, but a feeding ban will force the cats to go after wildlife and birds stating the Audubon Society already takes issue with feral cats. TNR will help manage the colony and eventually it will disappear. She referenced Feral Cat Focus/SOS in Ithaca that will spay/neuter for \$45. She stated she can bring the experts together in order to solve this problem. She suggested the Council look at a model Ordinance included in the information distributed.

Pat Katz, 87 Mitchell St., said she has a small colony which she manages and has managed to have a few spay/neutered. She agrees that TNR is the only proper way to handle a colony. She has reached out to Animal Kind out of Hudson who has agreed to spay/neuter 25 cats per day for \$25 per cat (up to 13 female cats per day). She also feels that fundraisers could be organized. Feral cats are dependent on the people feeding them and stressed it is important to get kittens off the street as soon as possible so they may be adopted. She also stated that Article 353 of Ag and Markets Law states you may not withhold from any animal and a feeding ban would violate this law.

Tara Butler, Executive Director, Superheroes In Ripped Jeans, Oneonta, explained they are an animal shelter and also operate a TNR program that transports cats to Animal Kind stating the \$25 also includes vaccinations. They are in the process of starting their own community cat program in Oneonta offering free TNR. Referencing the organization Alley Cats, feeding bans will force cats to go after wildlife, get into garbage cans, and will not affect the rate of reproduction. She referenced a cat colony of 150 cats in Oneonta, 50 of which were spay/neutered and reported that 2 years later there are a lot less cats.

Harry Graves, 54 Mitchell St., stated he is in favor of the proposed Ordinance. His neighbors had been feeding cats and he suggested that not all were feral cats. The cats would urinate on his Pennysaver, always sit on his porch chairs leaving behind hair on all his cushions.

David Francis, 239 Hale Rd., who owns several properties and 3 business in the City said this is not a new problem but needs to be corrected. He agreed with Mr. Biviano's idea of revoking certificate of occupancy. He does not support the Ordinance as written saying that it will only disburse the colony throughout the Ward and that some of the animals will not be able to fend for themselves. As a landlord he has no control over what his tenants do, and (referencing Ag & Markets law) cannot ask them to break the law. The major problem is that people abandon their cats. There should be a public service announcement on why this shouldn't happen.

Annette Clark, Executive Director of the Chenango SPCA, believes TNR is the only way to make a lasting solution as this will eventually make the colony die out naturally. They are willing to work on the problem with the City. They do have a spay/neuter program for people with low incomes or on assistance and could earmark some of those funds. Taking food away is not the answer to the problem.

Becky Coleman, Becky's Pet Service, 427 Lyon Brook Rd., stated that taking away food is not the answer, TNR is. She agreed that the feral cat situation at the laundromat is a hard situation. With all the people present here tonight and their experience, we can put something together to help the City out. She felt vets could be contacted to help with spay/neutering, then released back or adopted.

Margaret Abram, Aldrich Rd., wondered how many solutions were looked at before coming up with the proposed ordinance. She suggested giving vets tax breaks in order for them to spay/neuter the animals.

Darlene Smith, 6 State St., said she takes care of feral cats and agrees with TNR, but the cats came from someplace such as former pets being abandoned. She felt cats should be licensed or a way to track them to find the owners or charge them the \$20 fee the SPCA charges to take animals.

Sal Grippaldi, 110 Birdsall St. –

Kim Morris – Mt. Upton, works at Every Dog's Dream Rescue, but does more with cats lately. Does TNR, Mentioned a sheltering program at Cornell who does low cost, sometimes free neuter/spaying. Relocate is illegal as the person feeding them is the one who is considered as owning them.

Valerie Sporazo, 127 Walt McNitt Rd., suggested anyone finding kittens could take them to get fixed.

Renee, Oxford, rescues cats, has feeding stations, believe in the TNR program. No need for the cats to be starved through no fault of their own. If everyone helps, donates, works together it can get done. Animals don't need to suffer, they need our help.

Michelle Archadiaccano, Sunset Dr., suggested those places where there are feral colonies could use help with the TNR program, cleaning up and providing shelter for when the cats are released back into their territory.

Barb Dockery, 6 N. Delaware, works at Arrow Laundry, states she does feed the cats. She acknowledged that the area is a mess, that she will not stop feeding them and acknowledged that she owns them. Putting them on the streets and not feeding them is unthinkable.

Ann West, 92 Mitchell St., said cats provide a great service keeping the rat population down. She reported that a person who does TNR had moved into her neighborhood and her cat as well as other neighborhood cats had been captured, fixed, and finally reappeared wearing a collar. She felt that those who captured domesticated cats should be fined for doing so.

Janice Hinman, Tully, NY, President of Central NY Spay and Neuter Assistance Program of Cortland, offered low-cost spay and neuter to the City. The organization has spay and neutered over 40,000 dogs and cats [over 40 a week]. She said they have worked with Cortland who has the same problem. When given options, the community comes together and takes care of their neighborhoods. They can offer the service for \$10 per cat. They work with SOS of Ithaca.

Ann Folley, Waterville, Central NY Cat [Coalition] based in Syracuse, is a volunteer non-profit organization offer low and no-cost spay/neuter. They work with local volunteers who trap and transport the cats, they spay/neuter, and the cats are released where they were trapped.

Diana Bauman, 108 Pratt Rd., said it's too bad it takes something like this proposed Ordinance to bring the community come together to be more supportive. Starving the cats is a horrible way to die. She felt something good will come out of this due to the turn out.

Jenn Muserello, 140 S. Broad St., has researched grants from PetCo, Pet Smart, Walmart, The Bissell Pet Fund and the biggest resource, the compassion from everyone in the room, for a call to action.

Dr. Stevie Culver, Compassionate Care Veterinary, said banning feeding is not a viable option to reduce feral colonies and neither does relocation and explained why. TNR has been proven to reduce colonies, aggression, spraying, etc. A great group is Alley Cat Allies breaks down how a TNR program can be created. There a few days a month that Compassionate Care donates their services.

Sixta Robles, 57 Cortland St., she understands that cats can be a nuisance, but has also seen what happens when an animal is starved and it is not pleasant. She can't imagine not being able to feed a starving animal. She suggested a volunteer program could help.

Pete Asma, 15 Beebe Ave., said that the cats appear after residents move and leave behind their animals. He has captured 11 cats and sent them to get spay/neutered and found new homes. TNR works.

Star Francis, 249 Hale Rd. and City property owner, said they have worked with All Animals Matter to do TNRs. She doesn't agree with the proposal, thought is great so many resources were here and hoped the City would take advantage of them.

Richard Natoli, 12 Clinton St., said this is a City-wide issue. Over the years he has spoken with several Mayors, Alderpersons, Code personnel, and City [Commission] Chairpersons and the response was always "There's nothing we can do" which is very frustrating to hear. He thanked the Council for recognizing the problem and felt it should be tried and, if needed, modify it. He referenced information he had from Cornell about the 8-10 diseases that can be transferred from cats.

Marie Johnson, 25 Park St., appreciates that no one wants to starve cats, but [feeding] has caused a huge problem for her. One neighbor's yard has 15 cats in it while another feeds the cats which come from everywhere to be fed. This has drawn in wildlife. She has trapped 7 skunks at \$50 each and can't afford any more. She paid over \$200 for grub control.

Tom Brauer, 80 East Main St., he questioned if the City realized how much it would cost to enforce this. It would be difficult to prove if someone is feeding cats. This [TNR] should get it done.

Why can't cats be licensed, microchipped or tattooed or somehow register them. When they are adopted they should be microchipped to identify them, that way when an abandoned cat can be traced back to the owner.

Erin Insigna spoke again, saying that the Delaware Valley Humane Society has a very large community service program and felt those persons serving community service could help Norwich with their cat issue in a humane way.

Chris Robb, 57 Henry St. felt that TNR should be implemented, but added that rabies vaccines should also be given.

Mayor Carnrike took a moment to explain that this issue has come before the Council due to the "many, many, many complaints" since the 1990's. She pointed out that the proposed Ordinance does not intend to "starve" any animal, but to ban the feeding when the feeding becomes a nuisance to prevent an unclean, unsafe and unsanitary environment. There has been correspondence received from experts that TNR will not work because it is not legal to go on to another person's property to trap the cats. Government is not always the answer and the City's "hands are tied" when it comes to trapping animals on private property. She said this was a great turn out and that she has received correspondence as far away as Utah due to the publicity this issue has generated. She stated this is a nationwide problem and felt it can now be addressed locally with the help of the experts and organizations who have stepped up tonight.

Ald. Jeffrey **moved** to withdraw Proposed Ordinance No. (B) - §153 – Animals as it is written. Seconded by Ald. Deierlein, approved ayes all.

Hearing no further comments Mayor Carnrike closed the Public Hearing at 7:43 p.m.

Adjournment

Ald. Jeffrey **moved** to adjourn at 7:45 p.m. Seconded by Ald. Caldwell, approved ayes all.