



Members

James Tillotson, Chair
Fred Krampits, Vice Chair
Frank Laflamme
Gary Labrie
Jerry Roy

MINUTES
February 11, 2020

The following are the minutes of a public hearing held Tuesday, February 11, 2020, at 6:30 PM in the City Council Chambers, Fourth Floor, City Hall Annex, 274 Front Street, Chicopee, MA 01013.

Members Present: Tillotson, Laflamme, Krampits, Labrie, Roy

Also Present: Dan Garvey (Associate City Solicitor), Pamela Peebles (Director Thomas J. O'Connor Animal Control Center), Hanna Orenstein (Animal Control Supervisor), Keith Rattell (City Clerk), Lisa Sanders (Health Department Director), Christine Pikula (Assistant City Solicitor), Janina Surdyka (Registrar of Voters), Councilor Galecki

The meeting was called to order at 6:30 PM

In compliance with the open meeting laws the Chairman asked if anyone in the audience was recording the meeting. Hearing none the meeting continued.

Item #1 Chapter 7 Ordinance Revisions QQ Registrars Census Takers \$19.00

Councilor Tillotson stated that this is critical in terms of getting responses.

Janina Surdyka stated that conducting the census has become more challenging. She stated that every year we get about seven thousand people moving in and out of Chicopee.

Councilor Laflamme motion to approve – Councilor Tillotson 2nd the motion – motion passed

Committee vote 5 – 0 favorable

Item #2 BE IT ORDERED THAT the Ordinance Committee meet to discuss ongoing issues with cats within the City of Chicopee and possible ordinance changes to address the same.

Lisa Sanders stated that part of the problem is she keeps her yard immaculate so we can't really site her on anything.

Christine Pikula stated that when she asks the court for an administrative search warrant to get inside the house, she has to go in front of the Clerk Magistrate and present the evidence she has. She stated if she has a nicely manicured house and there's fresh water for the cats they are not going to give us a search warrant. She stated that she needs more evidence to go in front of the Clerk Magistrate. Any information that can help build the file would be the most helpful.

Councilor Tillotson stated that tonight's discussion is to figure out where to go from here.

Hannah Orenstein stated that they have been involved at this address on Paderewski Street for a number of years. She stated there has been an uptick in the number of calls in 2018. She stated that they have had no luck getting into the home and we are concerned about the number of cats in the home and outside of the property. We've tried through the warrant process to get into the home to remove the cats but unfortunately that was not successful in court. We sighted the homeowner and she only paid one of those tickets. She suggested to possibly pursue a warrant and to hopefully update the ordinances.

Hannah Orenstein stated the owner has brought a number of cats to the Dakin Human Society for adoption or to spay, neuter or release them back. She stated that since 2009 there have been one hundred and thirty two cats from her property and she will forward the reports to the committee.

Pamela Peebles stated that a large amount of these cats have not been healthy. Which is consistent of what we can see with the little glimpses in the windows.

Councilor Tillotson stated that they give off all kinds of diseases which to me is a real health issue. Based on the nuisance that they've caused he doesn't understand why we can't get into the house.

Councilor Tillotson stated that we are going to try to pass a few more ordinances.

Mrs. Nancy Pajak stated that she has lived in the neighborhood since 1985. She stated that the lady next door is known as the cat woman. She stated that she has one of her cats, some of the neighbors and people that work at Baystate all have cats from this ladies house. She stated that the cats give birth in her yard. She has brought them to the animal hospital and helped them find homes for these very sick animals. They are born with ear and eye infections and we've had to put down two for seven hundred and fifty dollars. She's addressed this issue with her many times. She stated since the last committee meeting the pattern has changed, she's keeping her shades down. You can see where the baby cats have been clawing at all the blinds. She stated that every morning at six o'clock she goes into the garage with trays and trays of food. She stated that activity during the day is not so bad; they come out at nine o'clock at night. She stated our ring doorbell is constantly going off; we actually stored them on a ring to show the activity with the cats in our yard and driveway at night. She stated that she's untouchable. It took me all these years to complain to TJ O'Connor about this, this is a bad situation. She stated that Dr. Misero came and witnessed it herself and she said this is wrong.

Mrs. Nancy Pajak stated she continues the breeding. They have no distemper or rabies shots. She stated that her yard is filled with feces. She videotaped seventeen cats in the middle of the road and she will try to send it to the Council. She stated that she will always keep the cycle of cats going. In the summertime the smell of urine permeates the window. She stated that she is not doing this because she hates the neighbor; she's very religious and polite and she's not a bad neighbor but she has a hoarding problem with animals. She stated that there are no laws on the book governing this.

Councilor Laflamme stated that she has evidence to go to court. He stated that she has pictures and she can't live a normal life in her own property.

Attorney Pikula stated that she would need specific information and for them to keep a log book; dates, times, smells. She stated that nothing is preventing you from going to court to get some sort of order against your neighbor which would only help our case.

Mr. Pajak asked why there was no ordinance on cats.

Councilor Tillotson stated that we need you to give us some evidence.

Attorney Pikula through the chair to Pam Peebles and Hannah Orenstein, stated to create a record that you've been getting complaints of smells, feces, urine and we are worried for her safety and that you'd like to do an inspection of the interior of her home with the Health Department. You can also send certified letters and show that she's refusing them. She stated to create a pattern of her shunning you.

Hannah Orenstein stated that she won't speak to us for a couple of years.

Attorney Garvey stated we have no power other than to fine her and if she doesn't pay the fines there become liens on the property. We can maybe fine her more often but a cease and desist is not going to help.

Hannah Orenstein stated that we can only site twenty five dollars for nuisance animals. If we were to beef up the ordinance and increase the animal care standard to essentially what the State law says we can increase our ticketing. The problem is inside the home and the ticketing is not going to change that.

Councilor Tillotson stated that we have some ideas for an ordinance and our Attorney will move forward with them. He stated we can increase the amount of fines but she doesn't seem to want to cooperate.

Attorney Garvey stated that when you go to court and ask to gain entrance into someone's home, the bar is as high as it could possibly be. To get to that high bar you need to document everything that is going on with the cats. He stated that this will give us a chance to get in front of the Clerk Magistrate and they will say you've met that high standard and we're going to let you in the house.

Attorney Garvey stated to get a search warrant you have to have affidavits from law enforcement. We're asking for that through TJO Animal Control Center; affidavits that they'll be submitting and perhaps live witnesses.

Councilor Laflamme stated to document the smell this is an issue.

Mrs. Nancy Pajak stated it is very difficult to deal with the urine smell.

Mrs. Nancy Pajak stated she will document and forward everything to the TJO Animal Control Center.

Councilor Tillotson stated this will help build a case.

Councilor Labrie asked how often do you ticket and when did it start.

Hannah Orenstein stated that they have been ticketing a few times per week starting in November. She stated that she is up to almost five hundred dollars in tickets. She stated that she believes she's paid one of them.

Attorney Pikula asked when you write a ticket, what are your observations based on.

Hannah Orenstein stated that we are siting her for nuisance animals because that's all the ordinance supports right now. We are siting for cats we see outside. She stated that we can't site her for cats inside.

Mrs. Nancy Pajak stated that when the sun goes down that's when it starts; screaming, crying and the cats everywhere.

Councilor Laflamme stated our hands are tied here other than doing a little ordinance change. He stated unfortunately you are the source to help us.

Mrs. Nancy Pajak stated that she will continue to take pictures. She stated that she feels bad for these animals.

Councilor Tillotson stated that he feels bad for her and her husband having to put up with it.

Pamela Peebles stated she feels bad to ask her to do even more but unfortunately you're the one that's going to be able to get all of this information.

Pamela Peebles stated that since 2015 she hasn't brought on cat for spay or neuter.

Mrs. Nancy Pajak stated that she inherited her brother's house in 2015 on Buckley Blvd. near the Cumberland Farms. She stated that every night she gets in her car and goes up and lives in that house for three hours and comes back to her house, it's a pattern.

Keith Rattell stated that by law as soon as a dog gets rabies shots that veterinarian has to send the Clerk's office a copy of the rabies vaccination.

Councilor Labrie asked what other communities do about cats.

Attorney Garvey stated that some limit them and some license them.

Councilor Laflamme stated as we continue to collect evidence through the resident, that would help.

Attorney Pikula stated yes.

Mrs. Nancy Pajak stated that her husband and she have seen her carry the pregnant cats in the house and as soon as the kittens are big enough, out the door they go. She stated that they are not fixed, no distemper, and no shots.

Councilor Tillotson stated we're going to have to let you and your husband work together with TJO Animal Control Center. He stated when we get enough evidence and you're willing to go to court, we will make some changes in the ordinance.

Mrs. Nancy Pajak stated she doesn't know how people can get away with this. We have a chicken ordinance, chickens don't fly and they produce eggs and they don't bother the neighbors.

Lisa Sanders asked if she was keeping cats at the other property.

Mrs. Nancy Pajak stated she doesn't think so and the property is maintained just like hers.

Continue to gather data about the cat situation on Paderewski Street.

Councilor Laflamme motion to approve – Councilor Tillotson 2nd the motion – motion passed

Committee vote 4 – 0 favorable

Item #3

Council Laflamme motion to approve the minutes –of January 14, 2020 - Councilor Tillotson 2nd the motion – motion passed

Meeting adjourned at 7:15 PM.