

**Town of Newtown Legislative Council Regular Meeting
Wednesday, March 7, 2012
3 Primrose Street, Newtown, CT**

PRESENT: Jeff Capeci, Mary Ann Jacob, Bob Merola, Joseph Girgasky, Paul Lundquist, Daniel Honan, Kathy Fetchick, Dan Wiedemann, Dan Amaral, Mitch Bolinsky, Phillip Carroll **ABSENT:** George Ferguson

ALSO PRESENT: First Selectman Pat Llodra, Ed Shanley, Jan Andras, five member of public, seven Cub Scouts, three members of press

Chairman Capeci called the meeting to order at 7:35 p.m. with the Pledge of Allegiance.

VOTER COMMENT: None noted

APPROVAL OF MINUTES: Upon motion by Ms. Jacob, the minutes of the 2/15/12 regular meeting were approved as presented (Mr. Merola abstained as he was not present at that meeting).

COMMUNICATIONS: Ms. Jacob received an e-mail just prior to this meeting from Ms. Jody Henriquez regarding the Cat Ordinance. Ms. Henriquez suggested that when notices are published that a cat has been found, the notice should also indicate that the cat could be adopted if not claimed. She believes that notices should always be in The Bee. She also urges standards be set for when and how a resident can bring a cat to the facility to avoid an inundation of cats.

COMMITTEE REPORTS: No reports

FIRST SELECTMAN REPORT: Ms. Llodra reported that the Board of Selectmen held their final discussions on the *Welfare Policy and Procedures for Impounded Animals*, after working with Canine Advocates and others for the past two months. The draft seems to have the support of all advocacy groups and persons. The BOS plans to act on this policy at their next regular meeting.

Next week, the BOF will take their final actions on the proposed budget, and send it on to this Council. The application of the savings that will be accrued from the new health benefit program have not yet been applied. Mr. Tait and Mr. Bienkowski are working to determine the amount of savings to be applied to the schools and the savings to be applied to the municipal side of the budget.

There is no new information about Hook & Ladder concerning their intention to move quickly in negotiation to determine their options. Once they do, they have to come back to the Board of Selectmen, the Board of Finance and the Legislative Council.

UNFINISHED BUSINESS

Newtown Cat Ordinance

Ms. Jacob moved to adopt the Newtown Cat Ordinance as proposed by the Ordinance Committee, updated on 2/22/12. Motion seconded.

Ms. Jacob reminded that this is the second time this ordinance is being presented, as the previous Council had some concerns that needed to be addressed by the newly elected Council members. This ordinance is necessary for the following reasons a) State Statutes require municipalities to adopt an ordinance to give the Animal Control Facility the authority to house cats; and b) an ordinance will give the Police Department the tools to handle conditions regarding feral cats that they believe are unsafe or unhealthy.

During the public hearing earlier this evening, there was a concern expressed about the requirements for vaccination and sterilization of feral cats in Sec. 3(c) and (d). Ms. Jacob advised that this section was taken directly from the Statutes. There was also a concern that cats would be brought here from other communities. The wording in Sec. 4(b) was amended by the Ordinance Committee to say that any cat "MAY" be accepted by the Animal Control Officer rather than "SHALL" be accepted. Sec. 4(d) was amended to increase from seven days to fourteen days the time period for a cat to be claimed by an owner before being available for adoption.

After some discussion, a friendly amendment was made to the definition of DOMESTIC CAT to read "A cat that has been tamed *and is or has been kept* by humans as a pet".

MOTION UNANIMOUSLY CARRIED. This Ordinance will become effective 15 days after publication in a local newspaper.

Guiding Principles of the Legislative Council

Ms. Jacob moved to remove from the table the motion to adopt the Guiding Principles of the Legislative Council. Motion seconded and unanimously carried.

Ms. Jacob then stated that she proposes that these principles not be adopted. There are no tangible results to be measured. Ms. Fetchik added that the Council already operates under the Rules and Regulations and the Town Charter. Ms. Llodra feels that there is a benefit in that you can measure yourself against something that you hold yourself accountable for. Mr. Bolinsky added that it could also be helpful to constituents who are not familiar with the Town Charter.

MOTION TO ADOPT FAILED UNANIMOUSLY.

NEW BUSINESS

Discussion of Budget Timeline

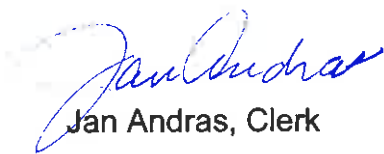
Chairman Capeci advised that on 3/14/12, the BOF will finalize their budget recommendations. This Council is scheduled to hold a regular meeting on 3/21, but he proposes canceling that meeting. The BOF Public Hearing on the Budget will be held on 3/28. Committees are encouraged to meet between 3/15 and 3/28 to begin looking at budgets.

The Council must adopt a budget by 4/11/12, but hopefully can do so at the 4/4/12 regular meeting.

VOTER COMMENT: None noted

ANNOUNCEMENTS: None noted

Having no further business, the meeting adjourned at 8:30 p.m.



Jan Andras, Clerk

Attachment: Newtown Cat Ordinance

These are draft minutes and as such are subject to correction by the Legislative Council at the next regular meeting. All corrections will be determined in minutes of the meeting at which they were corrected.

Proposed Newtown Cat Ordinance

Updated 022212

§1 Purpose

In accordance with Connecticut General Statutes ("CGS") Section 22-339d, as amended and CGS Section 22-332d, the Town of Newtown ("Town") enacts this article to regulate the keeping of cats as defined in §2 both in the community and at the Animal Control Center and to establish a procedure for the Animal Control Officer to follow incident to his duties with respect thereto. The purpose of this article is to promote the public health and welfare relating to the control of the spread of the rabies virus, animal overpopulation, and property damage as it relates to cats.

§2 Definitions

As used in this article, the following terms shall have the meanings indicated:

FERAL CAT A free-roaming domestic cat that is not owned.

DOMESTIC CAT A cat that has been tamed and kept by humans as a pet.

KEEPER Any person or organization harboring, regularly feeding or having in his or its possession any feral cat. Refusal to permit any Animal Control Officer to impound a feral cat shall be deemed evidence of keeping.

§3 Responsibilities.

- A. Within one year of the adoption of this article, a keeper of feral cats within the Town shall register with the Animal Control Officer for the Town.
- B. When a keeper registers with the Animal Control Officer, the Animal Control Officer shall provide information to the keeper regarding the proper care and management of feral cats.
- C. A keeper of feral cats shall provide for the vaccination of such cats against rabies pursuant to CGS Section 22-339b.
- D. A keeper of feral cats shall provide for the sterilization of such cats. A keeper shall be considered an eligible owner for purposes of the animal population control program established under Section 22-380e to 22-380m, inclusive, of the CGS, provided such cats are adopted from a municipal pound.
- E. No person owning or keeping any cat shall permit such animal to:
 - (1) Substantially damage property other than the property of the owner or keeper; or
 - (2) Cause an unsanitary, dangerous or unreasonably offensive condition.

§4 Impoundment; notification; claiming; disposal of unclaimed cats.

- A. The Animal Control Officer may take into custody any cat found to be damaging the property other than property of its owner or keeper or causing an unsanitary, dangerous or unreasonably offensive condition unless such cat can be identified as under the care of its owner or a registered keeper of feral cats.

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- B. Any cat brought to the Animal Control Facility by a Newtown resident and requested by such resident to be taken into custody by the facility may be accepted by the Animal Control Officer. Such cat may be made available for adoption in accordance with Town animal welfare policy.
- C. The Animal Control Officer shall immediately notify the owner or keeper of any cat so taken, if known, of its impoundment. If the owner or keeper of any such cat is unknown, the Animal Control Officer shall immediately tag or employ such other suitable means of identification of the cat and shall promptly cause a description of such cat to be published once in the lost and found column of a newspaper having a circulation in the Town.
- D. If such cat is not claimed by and released to the owner or keeper within fourteen days after the date of publication, the Animal Control Officer, upon finding such cat to be in satisfactory health, may make such cat available for adoption to any person who satisfies such Officer that he is purchasing it as a pet and that he can give it a good home and proper care. The Animal Control Officer may retain possession of such cat for such additional period of time as he may deem advisable in order to place such cat as a pet.
- E. Any cat captured or impounded under the provisions of Subsection A of this section shall be redeemed by the owner or keeper thereof, or the agent of such owner or keeper, upon proper identification and presentation to the Animal Control Officer. An owner may redeem his cat(s) upon presentation of proper identification. A keeper may redeem feral cat(s) by showing his Keeper registration certificate and upon the payment by such owner or keeper or his agent of:
 - (1) A redemption fee of \$15; and
 - (2) The cost of advertising incurred under the provisions of Subsection C of this section
- F. When the owner or keeper of any such impounded cat fails to redeem such cat within 24 hours after receiving notification to do so, or, where the owner was unknown, within 24 hours after notification was effected by means of publication in a newspaper, such owner or keeper shall pay, in addition to such redemption fee and the cost of advertising, the amount determined by the Animal Control Officer to be the full cost of detention and care of such impounded cat.

§5 Penalties for offenses.

- A. Any person who has violated §3E of this article be fined \$25 for each violation. Such fine is in addition to any fees collected as provided in §4 of this article. Each day that a violation occurs or continues shall constitute a separate offense. The Animal Control Officer or his agent shall issue a notice of violation to the violator. Such notice of violation shall state the nature of the violation, the amount of the fine to be paid, and an answer date by which the fine must be paid. Unless a plea of not guilty is entered by the answer date given on the notice of violation, failure to pay the fine by the date provided in the notice shall cause the amount of the fine to triple. Payment shall be made to the Town of Newtown.
- B. Any owner or keeper of any impounded cat who fails to redeem such cat within ten days after receiving notification to do so pursuant to this article shall be in

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violation of this article and shall be fined and issued a notice of violation in conformance with the procedure for a violation of §3E as set forth in Subsection A above.

§6 Appeal Procedure

- A. If a person who has been issued a citation does not make an uncontested payment of the fine specified by the citation to the Town within the time allowed under paragraphs 4 and 5 of this Ordinance, they shall follow the procedure in the "Code of the Town of Newtown" Section 260-12, Appeals procedure sections B – E (Fire Lanes ordinance as may be amended from time to time).

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