

## BOARD OF APPEALS

October 31, 2016

7:00 PM

**ATTENDANCE:** Board Members: Tim Thompson, Michael Salmon, Bill Malesh, Tim Parker, Town Attorney Fred Sussman, Planning and Zoning Director Mary Ann Skilling and Planning and Zoning Coordinator Dianna Battaglia.

Mr. Malesh called the hearing to order at 7:00 p.m.

### APPROVAL OF MINUTES:

**Motion** made by Mr. Salmon and seconded by Mr. Thompson to approve the June 20, 2016 meeting minutes as written. **All in Favor. Motion Passed.**

### NEW BUSINESS:

**SE2016-02 Special Exception**-temporary veterinary POD at 1105 Perryville Road:

(Ms. Dawn Cowhey and Ms. Donna Corcoran were sworn in.)

Ms. Cowley, President of the Chesapeake Feline Association, stated I'm here with Ms. Corcoran, who is on the Board of Directors, to request approval to have a temporary veterinary spay and neuter POD at 1105 Perryville Road. We'd like to have this for a 3 year period and potentially it could go into a 5 year period. Chesapeake Feline Association was recently awarded a spay/neuter grant from the Department of Agriculture for this coming year to do 500 spays and neuters within Cecil County. Last year we got 400 and we just finished up last week so we're really proud of altering that many animals in the time frame that we did. This POD is going to allow low income people to apply for vouchers and bring their animals to be spayed or neutered. It will also allow us to address 500 feral cats that people cannot afford to pay for to be spayed or neutered. And the result of that will be to really stop the unchecked, free-roaming breeding that's occurring throughout Cecil County. Cecil County has a very severe issue of free-roaming unaltered cats. Chesapeake Feline has a physical shelter in North East, MD and the maximum we house is 88 cats. We're also working closely with the new Cecil County animal services organization, to partner with them. So the reason we want to place this POD is because the average person cannot afford veterinary care. Ms. Corcoran and I go to vets all the time to negotiate the lowest rate that we can get. We were generously bequeathed this spay/neuter POD from an organization called Lulu Rescue in Doylestown, Pennsylvania. They are a dog rescue but I had an opportunity of meeting their executive director Michelle Armstrong at a Best Friends conference about a year and a half ago and that's where the concept took hold. Ms. Corcoran and I started visiting locations within Cecil County to try to locate a piece of property. We're very thankful to Town staff who presented the property that this POD will be placed on. Mrs. Jackson was kind enough to allow us to use the property. We need two things to make it a go: water and electric already in place so it wouldn't be so expensive to hook up. So all the pieces are falling into place, this is the last part of the hurdle that we need to get over. So I ask you to approve it so we can get this POD in place, hooked up and start doing the good work we need to. We expect to be open three days a week, Monday, Wednesday, Thursday or Friday, we're not sure exactly, but it will be three days. They'll drop their cats off first thing in the morning and then pick up around 5:00. We don't anticipate being open past 7:30 in the evening and once a month we'd like to offer the County a rabies clinic, distemper clinic, and then also they could come in to have their animals chipped because many times Cecil County animal services will pick up an animal and if they're chipped they can identify the owner. So that's very important part of the whole process. We've been in existence since 2009. We became a 501(c)(3) and within the organization we have seventy-seven volunteers, so no one gets paid and everyone volunteers night and day. We take bottle babies and up to a cat that may be surrendered from someone who cannot care for the cat. We were contacted by a marine who was being deployed to Iraq and wants his cat but had no one to care for it and he asked us if we could please keep his cat during his deployment, so that was a special case for us, and of course we said yes. We also have a transfer partner, Central Vermont Humane Society that we will transport kittens, adults, up to their facility. We did a

transport last weekend, we took 33 animals out of the county and 7 of them have already been adopted. We have a great partnership with them and have moved over a hundred animals to them. We have 3 vets right now, Dr. Bradley Price, is going to be our vet on record for the POD. Once you approve this we'll get the POD in place, get all the equipment in and then the veterinary board has to come in and approve everything to make sure we're set to go for surgery. So we use Dr. Price and he has been wonderful, a great mentor in this whole process and we also use Dr. Chaudhry in Bel Air and Dr. Stephanie Smalls in Newark. So as you can see we're doing a lot of running around and it costs a lot of gas that we're all paying for and we think that this POD is really going to help with efficiency and numbers. We are a no-kill facility and we will do our best to never euthanize a cat. We have cats at our shelter that are 11 and 12 years old and some of them have kidney failure and we believe in the sanctity of their life just like the sanctity of a human life. With a vet recommendation for a severe situation would be the only time that we would euthanize. There is a disease within the cat community called feline leukemia which is very dangerous and it can spread amongst these feral colonies and actually wipe a colony out. If a cat presents itself with that we would then have a very serious conversation. We would try to first find a sanctuary or someone to take the cat. Its extreme reasons that we would ever euthanize.

Mr. Thompson commented I know there is a feral community at the town park and I think Dr. Carletti was working with them for quite a while to capture them.

Ms. Cowhey responded CFA is actually in charge of that colony of cats and we have feeders scheduled to go in once a day. That colony of cats, at one point when this all started prior to me coming onto the board, I heard numbers as high as 157 but there are about 35 to 40 cats there right now. There's something called the vacuum effect: people just want the cats removed from the area but if you do that other cats will come into the area. So it's just a continual cycle. If there is an established colony it will eventually weed itself down as they get older. There were 2 cats that were dumped, left off, at the colony and we trapped both of them, took them to the vet, one male and one female, and they're already spayed and neutered. They received a rabies vaccination, as all our cats do, and an ear dock to show that they've been altered. They were released today and they were really happy to get back.

Mr. Malesh asked, the location for your trailer is an open lot, it's been vacant for a while but also it can be a traffic nightmare at times. So are you scheduling around rush hour traffic because cars back up there and getting in and out could be difficult. But you can work around that, when you're open and accepting animals so you won't have to deal with people who can't get in or out of your site.

Ms. Cowhey replied we've talked about that and if we need to adjust our hours of operation we will do that. But we would just ask if we can extend the hours on the opposite end, and I don't know if we need to come back to you for additional approval for that. Also, the property does not have access to Aiken Avenue Extended. Ms. Corcoran and I just finished over on Richmond Street. There was a colony there, it started with one cat, then it was ten cats, then it was 15 cats so we just finished up TNRing that whole colony. TNR stands for trap, neuter, return.

Mr. Malesh stated the Town has a great need for you and I think this is a nice addition. You may have to deal with traffic but I think the sooner, the better.

Ms. Cowhey indicated we actually have a cat right now that we're trying to trap that had a hook in its mouth and a wader. So I'll be over there with my trap trying to coerce him to get him into the trap. We want to thank you. The Town of Perryville recently granted us a \$20,000 grant in preparation and to help us get this up and running. We're very thankful for the support that we're receiving. The Town of Perryville is really taking the lead on this whole initiative and I would love to get a billboard on US40, I know we can't afford it but maybe I can get it donated. Ms. Corcoran is handling all the phone calls that come in.

Ms. Corcoran stated I have several pages of people who are trying to get their cats spayed or neutered and we just don't have availability. We have some vets working for us now but we have to wait for when they have appointments available, they just can't take them in anytime.

Ms. Battaglia commented at this time I'd like to enter the Staff Report into the record. The Staff Report provides a background of Chesapeake Feline and their request with all the code requirements. The Special Exception had to be reviewed by the Planning Commission first for a recommendation to you, they recommend approval with conditions as stated in the Staff Report. Included is Section 57, the standards in order to grant a Special Exception, with responses to each. Recommended conditions as follows:

- No surgical procedures would require overnight stays,
- No overnight boarding of animals,
- Operations are limited to the day time hours between 7:00 a.m. and 7:30 p.m.

Mr. Malesh asked do we have to adjust the hours of operation.

Mr. Sussman, Town attorney, addressed Mr. Chairman, when I prepare the resolution I will address that issue to give a little bit of flexibility with the hours of operation.

Ms. Battaglia continued with conditions:

- Landscaping of bedding plants to conform to the submitted site plan,
- The use shall be for a period of 3 years, subject to renewal.

As Ms. Cowhey stated, it could go on to five years however 3 years, since it is a temporary use, would be a good basis to reevaluate. It may be that things are going really good and they want to do more so that's why it was recommended for 3 years.

Ms. Cowhey indicated we were asked a question by the Cecil Whig during an interview why aren't we doing dogs? Why don't you do the other 2 days for dogs. And we didn't address that. At this point I don't know, if things are going well and we're getting a lot of requests for dogs, cats are our main focus but we can just as well spay a dog as a cat, or neuter a cat. So would we come back to the board at that point.

Mr. Sussman responded I think that if you're staying within the 3 days a week and the general hours of operation parameters. I don't know it is as significant, whether you're dealing with felines or canines as the more important issue of impacts on the community, the hours of operation and the number of days a week. If you find you want to expand to 4 or 5 days a week either because your feline population is burgeoning or because you want to begin to address canines, then I think you would need to come back to the board.

Ms. Cowhey replied I don't anticipate that happening but I do anticipate us doing 500 fairly quickly.

Mr. Malesh asked is it a possibility you will run out of feral cats here.

Ms. Cowhey responded no, with the Maryland grant we had to submit what our best guess estimate was on the feral population and just in Elkton we estimated over two thousand cats that are unaltered.

Ms. Corcoran commented behind the Acme, if anyone knows where the tent city is there are hundreds of cats.

Mr. Thompson indicated I heard it's not just about feral communities, it's about people who can't afford the cost to spay or neuter.

Ms. Cowhey continued many of the people who live in communities where cats are there and everybody's feeding them but then when you call, they say it's not my cat. Ok, are you feeding it? Yes, I love that cat but it can't come in my house. Then I'll say ok, if we spay or neuter this cat for you will you continue to feed it and they say yes. We both believe we can stop this.

Ms. Corcoran stated and that's why the Department of Agriculture asked if we can extend it to five years if you find the need is still there, so they have requested that we possibly do that. And I think their program runs for five years, the spay/neuter program, the feral colony program. We go back to them every year and request funding.

(Mr. Michael Ahl was sworn in.)

Mr. Ahl commented I am associated with Ms. Cowhey and I'm one of the major donors through her. We have fostered cats and then we've kept them. We have room for them, they have their own house with heat and air conditioning but what I wanted to say, we talked about will we run out of cats. I mentioned this the last time but two cats, a male and a female, in a 7 year period unaltered equals a quarter of a million cats, each pair. Last year 400 were spayed/neutered. That is hundreds of millions of cats. That's the future of how many cats are here if they're not controlled. We're not talking about hundreds of cats running around; we already have hundreds, thousands of cats running around. But we could have millions of cats.

Mr. Sussman stated you will be able to read what I prepare. My sense would be flexibility with hours of operation to address conflicts between POD operation and rush hour traffic and allow staff to coordinate varied hours of operation. You will authorize me to prepare a resolution approving, subject to conditions with a modification to the condition relating to hours of operation, which is condition 8.c.

Ms. Cowhey commented we may find that Tuesdays have less traffic or Saturday and Sunday.

Mr. Sussman responded I don't think it will be tied to specific days of the week, it will be up to 3 days per week.

**Motion** made by Mr. Salmon and seconded by Mr. Thompson to approve the Special Exception for veterinary services as requested with the conditions stated in the Staff Report and flexibility with operating hours if necessary. **All in Favor. Motion Carried.**

Mr. Sussman stated I will prepare the resolution for the board to consider based upon the vote tonight. You will have to approve the resolution for the action to be final, to review that the resolution reflects your intent.

**ADJOURNMENT:**

Without objection the meeting was adjourned at 7:33 p.m.

Respectfully submitted,

Dianna M. Battaglia  
Planning & Zoning Coordinator