**KANE BOROUGH COUNCIL**

**October 11, 2023**

**CALL TO ORDER**

The regular monthly meeting of Kane Borough Council was called to order at 6:30 P. M. by President Tom Kase. The meeting was held at the Kane Borough Building, 112 Bayard Street, Kane, PA 16735. Members were notified of the meeting on September 13, 2023.

**INVOCATION**

Pastor Carol Sharp led Council in prayer, followed by the Pledge of Allegiance.

**ROLL CALL**

Present: Tom Kase (President), Gary Schul (Vice President), Brandy Schimp (Mayor), Melanie Clabaugh, Scott Rudolph, Jack Zelina, Katie Johnson, Don Payne (Secretary), Tony Alfieri (Solicitor), Carrie Klaiber (Recording Secretary), Heath Boyer (Police Chief), Mick O’Rourke (Street Department Manager

Telecommunications: None

Excused: None

Absent: Matt Bressler (Fire Chief), Joe Geer (Code Compliance)

**VISITORS**

Pastor Sharp, Kelle Bari, Nikki O’Rourke, Shelly Williams & Lori Burkhouse

**STATEMENT OF CITIZENS ON AGENDA ITEMS**

None

**APPROVAL OF MINUTES**

A motion was made by Mr. Schul, seconded by Mr. Zelina, to approve the minutes of the September 13, 2023, regular monthly meeting. Motion carried.

**UNFINISHED BUSINESS**

None

**CORRESPONDENCE**

1. Meeting Minutes from the June 22, 2023 McWaPEC Meeting
2. Thank you letter from KAIDC for the Borough’s contribution to the compensation package.
3. Thank you letter from the Chamber of commerce for the Borough’s contribution to the compensation package.

**MONTHLY REPORTS**

Budget – Report submitted to Council

A motion was made by Mrs. Johnson, seconded by Mr. Rudolph, to approve the Budget Report, as presented. Motion carried.

Tax Collector – Balance on duplicate = $88,786.93

A motion was made by Mr. Rudolph, seconded by Mr. Zelina, to approve the Tax Collector’s Report as presented. Motion carried.

**BILLS FOR PAYMENT**

Check detail in the amount of $115, 112.39 was presented to Council for approval. A motion was made by Mrs. Clabaugh, seconded by Mrs. Johnson, to approve the Bills for Payment. Motion carried.

**DEPARTMENT REPORTS**

Office – Report submitted. Mr. Payne commented that the paving is 90% complete and should be completed by October 21st. Mr. Payne suggested cigarette butt receptacles for main street, as there has been a lot of littering of them. The Pre-bid Meeting for the demolition of the old Buckhorn, 320 Welsh Street will be held October 20th.

Code Compliance Report Submitted

Solicitor Report Submitted

Police – Report submitted. Chief Boyer reminded all that Alternate Side Parking begins this coming Sunday, October 15th. Chief Boyer also stated that he has begun gathering preliminary information for the purchase of a Ford F150 Patrol Vehicle, which will allow the Taurus to be used full time by the SRO and hopefully prolong the lifespan of the Taurus.

Street - Report Submitted. The new Front Loader is set to arrive on Thursday, October 12. Also reminded all that leaves should be piled on the right of way area between the sidewalk and the curb for pickup. Please do not rake leaves into the street.

Assessment Report submitted

Health Board Report submitted

Fire No report submitted

A motion was made by Mrs. Clabaugh, seconded by Mrs. Johnson, to approve the Department Reports, as presented. Motion carried.

**COMMITTEE REPORTS**

Finance - Mr. Kase requested that the final meeting be scheduled for the budget.

Parks Commission - Parks Commission minutes from the September 27, 2023, meeting were submitted.

Library - Minutes from the August 15th and September 19th Board Meetings were submitted. The Fall Book Sale will begin Saturday, October 21st with a Bake Sale as well from 9 a.m. to 2 p.m.

A motion was made by Mrs. Clabaugh, seconded by Mr. Schul, to approve the Department Reports, as presented. Motion carried.

**NEW BUSINESS**

1. Resolution #11-23 to fill the Vacancy on Borough Council. Three letters of interest were received. Kelle Bari, who was present at the meeting, was nominated to fill the vacancy. A vote was taken, and Kelle received the required votes. Kelle was then sworn in by Mayor Brandy Schimp and took her place at the table for the remainder of the meeting.

A motion was made by Mr. Schul, seconded by Mrs. Clabaugh to approve Resolution #11-23 to appoint Kelle Bari to fill the vacancy until January 2024.

1. Ordinance #A-1070 amending Chapter 94 Building Construction, §94-3 Fee and Incentive for Assessment Permit. §94-3a will be amended to eliminate the fee for assessment permits and to pay an incentive for improvements completed. §94-3c states that the incentive will be forfeited, and a fee will be charged if the permit is not obtained prior to the start of the work.

A motion was made by Mrs. Johnson and seconded by Mr. Zelina to accept this first reading.

1. Ordinance #A-1071 creating Chapter 58 Creation of Special Funds and Investments. §58-1 Restricted Funds and §58-2 Controlled Funds for the investment and use of funds from the Sewer sale.

A motion was made by Mr. Zelina and seconded by Mr. Rudolph to accept this first reading.

1. A motion was made by Mrs. Johnson and seconded by Mrs. Clabaugh to accept the concept of the Hometown Hero Banners to be hung in the Borough with details for the installation and maintenance to be determined.
2. Council agreed to add five (5) new parking spaces on Fraley Street. They are to be added at the North side of the entrance to the Post Office parking lot, the North side of the entrance to the North West bank parking lot, the second space north of the cross walk in front CNB Bank, and two spaces to be added in front of Headquarters Salon, the alleyway and The Crooked Hem. Additional roadway markings and signage to ensure safety and proper traffic flow.
3. A motion was made by Mrs. Clabaugh and seconded by Mr. Schul to appoint Carrie Klaiber as Assistant Treasurer.
4. A motion was made by Mr. Rudolph and seconded by Mr. Zelina to appoint Laura McDonald as Assistant Right-to-Know Officer.

**MAYOR’S REPORT**

Report Submitted. Mayor Schimp thanked Michele Palmer and the Kane Community Center for arranging and hosting the “Coffee with a Cop” event this morning.

**STATEMENT OF CITIZENS**

Lori Burkhouse & Shelly Williams of “No Feline Left Behind”:

Lori stated, “I would like to understand what the Borough’s ordinances are and how they are enforced when it comes to cat ownership as well as free roaming cats in the community. I also want to educate others on our organization and why our method is the most effective and humane way to manage the overpopulation of free roaming cats. NFLB is a trap, neuter, vaccinate, return group. We trap, spay or neuter, vaccinate, deworm, flea and tick treat and re-release homeless cats throughout all of McKean County. Because of our efforts 3,468 cats within McKean County can no longer reproduce. Those cats have all been vaccinated, which gives them a chance at a disease-free life. All cats trapped by NFLB are vaccinated for rabies and treated for fleas, ticks and de-wormed to help keep our communities safer. We also provide assistance to pet owners who cannot afford the full cost to spay or neutering by allowing them to bring their cats to our clinics at a cheaper cost. Because of our efforts 406 cats within the Borough limits can no longer reproduce. To put the monetary figure on that, NFLB has contributed roughly $40,000 to the free roaming cat population issue in the Kane Borough. Out of 22 county municipalities, Kane Borough is the third highest for free roaming unaltered cats that have come through our program. It has recently been brough to our attention that there is a feeding ban in place within the Borough limits. It is NFLB policy to not conduct trapping in municipalities where there is a feeding ban as we will be violating the ordinance by baiting the cats with food to get them into the trap. I understand that many people are uneducated on how free roaming cats work. Putting a feeding ban in place will not get rid of your cat problem. Cats do not need humans to eat. If there is a food ban in place, the cats will stay and will hunt or scavenge for food. A feeding ban is a completely ineffective way to control a free roaming cat population. We are not here because we expect people to love, or even like cats, we are here because whether you like cats or don’t like cats, we all want the same thing at the end of the day- no more homeless free roaming cats in our communities in yards…”

Shelly then stated, “I am a volunteer for No Feline Left Behind, I am a lifetime member of the community, I’m a nurse, I’m a mom, and I do the trapping in the Kane community every single month.”

“I foster kittens that have been pulled off the streets and find them homes after they have been spayed or neutered. I have a serious concern about the rate in which the community cat population is going to skyrocket as they are pulling out of our community because the cats can longer be fed. I am also concerned about the diseases, rabies, and other things that the cats may carry because the free roaming cats will not longer be vaccinated. I am here to reinforce that a feeding ban is not the solution to these free roaming cats. I am also here to reinforce that the trapping, neuter, vaccinate and release does work. However, one necessary and crucial step to the process is establishing a feeding pattern. Without that feeding pattern, the cats will roam, scavenge, looking for food. They will be on main street; they will be in your dumpsters. Without a feeding pattern the cats will be unpredictable, and we won’t be able to catch them. Without a feeding pattern we won’t be able to evaluate the number of kittens and cats in the area, without a feeding pattern, trapping will not be successful. I have the numbers – 460 cats have been spayed, neutered, vaccinated, and returned to the streets, that does not count the number that have been taken off the streets. Any cat that we can rehabilitate, every single kitten that we pull off the street is rehabilitated and put in homes. That’s $40,000 of money that has been raised and put into our community. It is possible to live peacefully in a neighborhood with community cats. First of all, it’s temporary. Community cats don’t live forever, they live half the lifespan of a regular cat. Second, they all have to be trapped, neutered, vaccinated and released. If they become bothersome, there are deterrents that you can try. I have people that use motion-activated lights, ultra sonic alarms, sprinklers that have sensors – you can get them at Amazon, they are $20. You can close off the holes under your garages, and your foundations. To keep the cats out of your gardens, there are fragrances they don’t like, like citrus, lavender, and peppermint. And most importantly, we need to be kind to our neighbors. I can guarantee that there is not a person in this community who is maliciously feeding a stray cat to hurt their neighbor of their community. As I have been trapping in this community over the past few years, there is a huge amount of people who feed stray cats in our community. From my experience, the volume of people feeding the stray cats along with the efforts of TNVR effort has kept the population at bay. I am very concerned that they are pulling out.”

“Those that are feeding the free roaming cats have to follow rules too. There are ways to do it right. I have five things I want to mention – how we can feed the stray cats the right way:

1. Feed them around the same time each day. Feeding them will keep them out of the dumpsters, they won’t be roaming on main street. They won’t be roaming great distances. They are going to stay in their alley ways. They are going to come out to eat and then go away. They are not going to lay in your yard or hang out on your porch. If there is a cat doing this, it is probably a neighbor’s cat, and you should have a conversation with your neighbor.
2. After feeding the food needs to be put away. It cannot be left out all night. It should be put away after about 30 minutes to avoid raccoons, skunks, and insects.
3. The TNBR is vital because it helps stop mating behavior such as spraying and fighting. It keeps kittens from being born.
4. Litter boxes and shelters should be provided by those that choose to feed the feral cats. People often have litter boxes in their sheds, or cinder piles in their yard so that cats will use those and not a neighbor’s yard. Most cats do not want to use grass, they would prefer to use a cinder pile.
5. The area needs to be clean. “

There was discussion between the Borough Council and Lori and Shelly. It was made clear that the Borough of Kane does NOT have a feeding ban, or an ordinance which restricts the feeding of free roaming cats. What brought this issue to light was a fine issued to a resident. This fine was under Chapter 78 (Animals), Article III Regulation of Cats, Section 12 A (3): which states that it shall be unlawful for any owner to have any cat that becomes a nuisance, including frequent digging into flower beds…or depositing feces or urine …on other property. (4) It is Unlawful to allow cats to run at large… An Owner in this article is defined as any person feeding or harboring a cat or allows a cat to reside or remain about his premises.

It was determined that this issue will be delved into further with a meeting between representatives of No Feline Left Behind and the Borough Manager, Donald Payne and Assistant Borough Manager, Carrie Klaiber with the goal of coming to a solution to allow the feeding as per the guidelines stated by Shelly Williams and still honoring the intent of Ordinance 78, Article III, Sections 12 A (3) and (4).

It was reiterated that there is NO feeding ban in the Borough of Kane and that NFLB is encouraged to continue their work within the Borough and what they accomplish is greatly appreciated. Better communication is needed between the Borough and NFLB about when they will be trapping within the Borough so that we are aware in the event of complaints from neighbors.

**EXECUTIVE SESSION**

Council entered Executive Session at 8:00 P. M. regarding a Personnel issue.

**REGULAR SESSION**

Council re-entered Regular Session at 8:15 P. M.

**ADJOURNMENT**

Being no further business, a motion was made by Mr. Rudolph, seconded by Mr. Schul, to adjourn the meeting. Motion carried. The meeting was adjourned at 8:16 P. M.

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 Carrie Klaiber, Recording Secretary