

The Intelligencer

Bensalem residents confounded by cat conundrum

By **Thomas Friestad**

[@ThomasFriestad](#)

Posted Jan 2, 2019 at 9:54 AM

Updated Jan 2, 2019 at 12:45 PM

The township went to court against a “deplorable and dilapidated” Colmar Avenue home in February 2016, seeking fixes to what it said were multiple code violations that posed a health, safety and welfare threat to residents. What followed was a legal back-and-forth involving multiple court orders that neighbors say still have not resolved issues stemming from a cat colony at the property.

Joanne Cotton has fielded complaints about the cats on her property. And her uncle, a 75-year-old Vietnam War veteran, has even had to bury multiple dead cats found in their driveway and under their front window.

“No, these are not my cats,” Cotton tells neighbors when they knock on her door about the animals.

But, the feral felines have been the most visible issue stemming from the home next to hers on Colmar Avenue despite nearly three years of court action and township intervention, including some \$45,000 officials have said Bensalem spent to improve conditions.

Bensalem representatives have described the home as “deplorable and dilapidated” dating back to February 2016 when the township filed a complaint in county court seeking an injunction ordering the two brothers who own the property to vacate it until several code violations were fixed, and for permission for the township to access and secure the home.

The complaint came after the township housing code administrator inspected the property when one of the kerosene heaters the owners were using for warmth sparked a fire. The official found the home’s structural stability rendered it in violation of township code, unsafe for human occupancy and a danger to responding emergency personnel, according to court documents.

Bensalem’s court complaint has remained active in the intervening two years and 10 months, during which a county judge has issued four orders. The decisions placed progressively tighter cleanup requirements on the property owners and restricted their access to the home; they also gave Bensalem increasingly more leeway to carry out remediation, as the township returned to court multiple times to argue the owners weren’t following through.

At first, the owners were to enlist reputable contractors to replace the home’s roof and examine its electrical system, as well as maintain the yard in a “clean and orderly” condition, including the daily cleanup of cat waste. The judge later directed the owners to temporarily vacate the home until necessary structural and electrical repairs were made, and then forbade them from the property entirely.

Most recently, at their owners’ request in September, the judge granted them access to the property solely to address violations, noting they must continue to make sure cats are not allowed onsite.

After each order, Bensalem officials have worked “diligently” to bring the Colmar Avenue home into compliance with local code, said Noah Marlier, an attorney representing the township. Officials have removed dozens of cats from the property, removed trash, debris and overgrowth and boarded up the house to keep people out, he said.

The township also has carried out multiple inspections over the last few months, during which they’ve noted fewer than three cats present, Marlier said. He said earlier this month, officials took “immediate action” to board up broken front window and tow a car that also had a broken window.

“When the township receives neighbor complaints — as it has done in the past — it will continue to address any and all concerns as quickly as it possibly can,” he said.

Originally, Bensalem had authorization just to carry out weekly inspections of the home. The township later got approval to perform structural and electrical work after the owners vacated, and assess them for the cost, and later still received “unlimited” access to the property for reasons relating to maintenance, safety and repairs, court documents show.

Asked whether Bensalem intended to perform the repair work, for which it got permission in late December 2016, Marlier said, "The township is keeping all options open."

"The number one goal is always to protect the health, safety and welfare of the residents," he said. "For many months, to the knowledge of the township, the house has been secured and no one has resided there."

The ball is in Bensalem's court for the structural and electrical repairs, said Peter Williams, attorney for the property owners. "Bensalem had the opportunity to fix the property and they chose not to ... They could've made the improvements to their liking and then put a lien on the property for their money spent."

Williams said the owners are "trying hard" to make improvements to the property, and have faced difficulty on account of their age, their economic situation living on fixed incomes and, at one point, one owner's illness and hospitalization.

Bensalem placed a \$10,000 lien on the property for attorney's fees in January 2017. The township has spent upward of \$45,000 on research, maintenance and legal costs as of late November 2018, a representative told Cotton in an email.

Chief among Cotton's concerns is the impact she believes the house and animals next door could have on her property's value. Both Cotton and neighbor Pat Riff appealed their properties' values to the Bucks County Board of Assessment, hoping to lower their taxes on account of the nearby nuisances, though both recently were denied.

The county board said in a statement the burden of proof is on property owners to provide evidence, such as through a recent appraisal or comparable recent sales, that their home's current market value is contrary to the board's opinion.

Cotton, Riff and neighbor Kristina DiPasquale gave different accounts as to how many cats they have seen — Cotton said she has seen up to 60 cats present around the warmer months, while DiPasquale said earlier this month she saw about six cats. The three all said the cats have resulted in odor lingering around their homes.

Cotton and DiPasquale both said they have seen the owners visit the property at night and feed the cats, though Williams said the allegation about his clients was not true.

Cotton said this summer, she called Bensalem about a small cat with a limp, and was told by an animal control officer to trap it herself. She said she followed up with the township, and shortly afterward, representatives from the Bridge Clinic came out to help catch and medically treat the cats.

Ricki, the limping cat, ultimately lost an eye, though she gained a new home with Cotton.

DiPasquale indicated that attempts to deal with the cats are not always successful — at one point, she said she looked through her backyard fence and saw two traps held raccoons.

"It's just a mess," she said, of the situation with the property next door. "It just needs to be cleaned up."