

A Town Board Meeting of the Town of Owasco was held on November 11, 2010 at 6:00 PM in the Owasco Town Hall with the following members present:

PRESENT:

**Councilperson, Tony Gucciardi
Councilperson, Terrence Lattimore
Councilperson, Edward Wagner
Supervisor, John J. Klink
Councilperson, Gino Alberici**

ABSENT:

OTHERS PRESENT: Robert Shaw Town Clerk, Rick Galbato Town Attorney, Al Drennen and Bob Westover, John O'Connell and Mark Palesh.

CALL TO ORDER: 6:00 PM

PLEDGE OF ALLEGIANCE:

APPROVAL OF AGENDA:

Resolution 10-186 approval of Town Board Agenda for November 11, 2010.

Motion by Councilperson Alberici; Second Councilperson Gucciardi.

Roll call vote:	Councilperson Alberici <u>Yes</u>	Councilperson Gucciardi <u>Yes</u>
	Councilperson Lattimore <u>Yes</u>	Councilperson Wagner <u>Yes</u>
	Supervisor Klink <u>Yes</u>	

APPROVAL OF MINUTES:

Resolution 10-187 approval of Town Board Minutes for October 14, 2010.

Motion by Councilperson Gucciardi; Second Councilperson Alberici.

Roll call vote:	Councilperson Alberici <u>Yes</u>	Councilperson Gucciardi <u>Yes</u>
	Councilperson Lattimore <u>Yes</u>	Councilperson Wagner <u>Yes</u>
	Supervisor Klink <u>Yes</u>	

PUBLIC PARTICIPATION:

PUBLIC HEARING: Town of Owasco Budget for 2011

Opened at 6:02 PM

Resolution 10-188 to end the Public Hearing at 6:04 PM

Motion by Councilperson Alberici; Second Councilperson Gucciardi.

Roll call vote:	Councilperson Alberici <u>Yes</u>	Councilperson Gucciardi <u>Yes</u>
	Councilperson Lattimore <u>Yes</u>	Councilperson Wagner <u>Yes</u>
	Supervisor Klink <u>Yes</u>	

PUBLIC HEARING: Local Law No. 8 of 2010 Dog Licensing and Animal Population Control for the Town of Owasco

Opened at 6:04 PM

Resolution 10-189 to close Local law No. 8 Public Hearing at 6:10 PM.

Motion by Councilperson Gucciardi; Second Councilperson Lattimore.

**Roll call vote: Councilperson Alberici Yes Councilperson Gucciardi Yes
 Councilperson Lattimore Yes Councilperson Wagner Yes
 Supervisor Klink Yes**

COMMUNICATIONS:

REPORT: John O’Connell Sewer and Water Authority spoke on the Water & Sewer.

COMMITTEE REPORTS:

Supervisor’s monthly financial report	Zoning Board Chairman David Kalabanka	Planning Board Chairman Richard Knaul
Highway Superintendent, Public Works Superintendent Michael Wilson	Assessor Kim Gridley	Code Enforcement Officer Patrick Doyle
Town Historian Laurel Auchampaugh	Truck Traffic John Klink	
Cayuga County Water Quality Management Agency and Owasco Lake Standing Committee Ed Wagner	Recycling Center Ed Wagner	Owasco Lake Watershed Inspection Committee John Klink
Councilperson Meeting Reports	Playground Committee	

OLD BUSINESS:

NEW BUSINESS:

Resolution 10-190 to appoint Edward Wagner as the Town of Owasco representative to the Cayuga County Water Quality Management Agency (WQMA) FOR THE Year 2011.

Motion by Councilperson Alberici; Second Councilperson Gucciardi.

**Roll call vote: Councilperson Alberici Yes Councilperson Gucciardi Yes
 Councilperson Lattimore Yes Councilperson Wagner Yes
 Supervisor Klink Yes**

**Resolution 10-191 of the Town Board, Town of Owasco, County of Cayuga, State of New
WHEREAS, Owasco Town Court has indicated certain needs for secure and fire resistant filing cabinets which will aid in providing efficient services to the Town, and

WHEREAS, grant funds are available for such software from the Justice Court Assistance Program of the State of New York; and**

WHEREAS, the application does not have a negative impact on the Town Budget;

NOW THEREFORE BE IT RESOLVED, that the Town authorizes application to the Justice Court Assistance Program for an \$6,000.00 grant; and

BE IT FURTHER RESOLVED that the Town Supervisor or Deputy Supervisor is hereby authorized and directed to execute such documents as shall be necessary to complete the grant application; and

BE IT FURTHER RESOLVED, that and funds received shall be used only in accord with the rules and regulations of the Justice Court Assistance Program; that any goods or services purchased shall be obtained in accord with requirements for public purchasing, and that no funds received shall be used to compensate justice or staff or reduce or supplant funding provided by the Town,

October 11, 2010

The above is certified to be a true and complete copy of the resolution passed by the Board on October 2010

SEAL

Motion by Councilperson Wagner; Second Councilperson Gucciardi.

Roll call vote:	Councilperson Alberici <u>Yes</u>	Councilperson Gucciardi <u>Yes</u>
	Councilperson Lattimore <u>Yes</u>	Councilperson Wagner <u>Yes</u>
	Supervisor Klink <u>Yes</u>	

Resolution 10-192

TOWN OF OWASCO STATE OF NEW YORK
COUNTY OF CAYUGA

IN THE MATTER OF ROBERT E. BARRY and
EILEEN M. BARRY ASSESSMENT REVIEW
PROCEEDINGS FOR THE TAX YEAR 2009
RESOLUTION AUTHORIZING AND APPROVING
SETTLEMENT

The Town Board of the Town of Owasco in the County of Cayuga. State of New York, met in regular session at the Town Municipal Offices at 2 Bristol Avenue, Auburn: New York on the 9th day of November 2010.

The meeting was called to order by the Town Supervisor, John Klink, and the following Town Board members were:

PRESENT:

Gino Alberici	Councilperson
Anthony Gucciardi	Councilperson
Terry Lattimore	Councilperson
Edward Wagner	Councilperson

ABSENT:

None

The following resolution was moved, seconded and passed:

WHEREAS, the Town of Owasco desires to resolve and settle certain proceedings filed by the petitioners, Robert E. Barry and Eileen M. Barry to review the assessments under Article 7 of the Real Property Tax Law with respect to the petitioners' property within the Town of Owasco and identified by tax map number 131.03-1-42 for the tax year 2009.

NOW, THEREFORE, be it resolved as follows:

Section 1. That the Stipulation Of Settlement And Order concerning the above-referenced Article 7 proceedings in the form annexed hereto be and hereby is approved and authorized by the Town of Owasco.

Section 2. That the attorney for the Town of Owasco is hereby authorized to execute said Stipulation on behalf of the Town of Owasco and to thereafter upon execution by the petitioner present the same to the Court in support of the Stipulation Of Settlement And Order resolving the above-referenced proceedings.

The question of the adoption of the foregoing resolution and Stipulation was duly put to a roll call.

The Resolution and Stipulation Of Settlement And Order were thereupon declared to be adopted.

Motion by Councilperson Wagner; Second Councilperson Wagner.

Roll call vote:	Councilperson Alberici <u>Yes</u>	Councilperson Gucciardi <u>Yes</u>
	Councilperson Lattimore <u>Yes</u>	Councilperson Wagner <u>Yes</u>
	Supervisor Klink <u>Yes</u>	

Resolution 10-193 to reappoint Sam Emmi to the Board of Assessment Review (BAR) to a term ending on 9/30/2015.

Motion by Councilperson Alberici; Second Councilperson Wagner.

Roll call vote:	Councilperson Alberici <u>Yes</u>	Councilperson Gucciardi <u>Yes</u>
	Councilperson Lattimore <u>Yes</u>	Councilperson Wagner <u>Yes</u>
	Supervisor Klink <u>Yes</u>	

Resolution 10-194 to approve SEQR determination for Local Law No. 8 of 2010

A Resolution to Issue a Determination of Environmental Significance for Local Law No. 8 of 2010 Dogs.

WHEREAS, the Owasco Town Board declares itself Lead Agency for the purpose of conducting the environmental review of said proposed action; and

WHEREAS, the Owasco Town Board has determined that the proposed action for adoption of Local Law No. 8 of 2010 is an Unlisted Action under the State Environmental Quality Review (SEQR) Regulations; and

WHEREAS, the Owasco Town Board hereby determines that the action does not involve any other agencies apart from the Owasco Town Board itself; and

WHEREAS, the Town Board caused a Short Environmental Assessment Form to be prepared for use to assess the potential environmental impacts associated with enactment of the proposed local law; and

BE IT RESOLVED, that the Owasco Town Board has determined that the adoption of the proposed Local Law No. 8 of 2010 will not have a significant adverse impact on the environment and hereby issues a Negative Declaration.

BE IT FURTHER RESOLVED, that the Town Supervisor be and is hereby directed to sign the Negative Declaration of Environmental Significance.

Motion by Councilperson Wagner; Second Councilperson Alberici.

Roll call vote:	Councilperson Alberici <u>Yes</u>	Councilperson Gucciardi <u>Yes</u>
	Councilperson Lattimore <u>Yes</u>	Councilperson Wagner <u>Yes</u>
	Supervisor Klink <u>Yes</u>	

Resolution 10- 195 A Resolution of the Town Board for the adoption and enactment of Local Law No. 8 of 2010 Dogs.

WHEREAS, a Resolution was adopted by the Town Board on October 14, 2010 introducing proposed Local Law No. 8 of 2010 and said Resolution established a public hearing relating thereto; and

WHEREAS, a Notice of Public Hearing with respect to said proposed Local Law was duly published in The Citizen, the official Town newspaper and a newspaper circulated in said Town on October 24, 2010, and proof of such publication has been filed with the Town Clerk, and

WHEREAS, a Notice of Public Hearing with respect to such Local Law was duly posted on the sign board of the Owasco Town Hall, and

WHEREAS, a Public Hearing upon said proposed Local Law was held at the Owasco Town Hall, 2 Bristol Avenue, Auburn, New York 13021, in the Town of Owasco, New York on this date, November 11, 2010, pursuant to such Notice and an opportunity to be heard was given at said hearing to those favoring or opposing passage of said proposed Local Law; and

WHEREAS, the Owasco Town Board by Resolution passed on this date issued a Negative Declaration under SEQRA for Local Law No. 8 of 2010.

WHEREAS, the Town Board has carefully considered the proposed Local Law; and after due deliberation, finds it is in the best interest of the Town of Owasco to adopt said Local Law;

NOW, THEREFORE, AFTER DUE CONSIDERATION, IT IS HEREBY,

RESOLVED, that the Town Board of the Town of Owasco hereby approves and enacts Local Law No. 8 of 2010 Dogs set forth below:

LOCAL LAW NO. 8 OF THE YEAR 2010

LOCAL LAW NO. 8 of 2010 DOGS

Chapter 68 of the Town Code of the Town of Owasco entitled “Dogs”

shall be replaced entirely with the following provisions.

Chapter 68 Dogs

§ 68-1. Title.

This chapter will be known as the Dog Control Code of the Town of Owasco.

§ 68-2. Purpose.

The Town Board of the Town of Owasco, Cayuga County, State of New York, is vested by the State of New York to regulate and control dogs and other animals within the Town of Owasco and to protect the health, safety and welfare of its residents. The State of New York has determined that as of January 1, 2011, the State will no longer be responsible for licensing and other regulation of dogs and has authorized local municipalities across the state to assume responsibility of such matters. This local law is intended to provide a fair and uniform framework for the licensing and regulation of dogs and other animals.

§ 68-3. Authority.

This Local Law is enacted pursuant to the authority of the Municipal Home Rule Law Section 10 of the State of New York, and Agricultural and Markets Law Article 7.

§ 68-4. Definitions.

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

ANIMAL — Any animal, reptile, bird or fowl, domesticated or wild, owned or otherwise maintained by any person.

ANIMAL CONTROL OFFICER — That person or his or her authorized representative designated as such by the Town Board of Owasco.

CLERK --- The Town Clerk of the Town of Owasco or any duly appointment Deputy Clerk.

DOG — Any member of the species canis familiaris.

HARBOR — To provide food or shelter to any animal.

LEASH -- A securely fastened restraint not more than six (6) feet in length held by a responsible person.

OWNER — Any person, firm, partnership, trustee, association or corporation owning, keeping, harboring or otherwise maintaining an animal. Animals owned by minors shall be deemed to be in the custody and control of the minor's parents or head of the household where such minor resides.

RESTRAINT (LEASH LAW) ---- A dog must be controlled by a leash having a maximum length of six (6) feet while off the owner’s premises. A dog is considered under restraint if it is controlled by a leash having a maximum length of six (6) feet, within a vehicle being driven or parked on the street, or within the property limit of its owner or keeper with a restraint or fencing, or upon the premises of another with the consent of such other person and restrained or confined to a fenced area. A retractable leash may be used as a restraint that the retractable leash is set and locked at six (6) feet when the dog is in the immediate vicinity of the person or is on a sidewalk area.

RUN AT LARGE --- To be in a public place or on private land without knowledge, consent, and approval of the owner of such lands.

§ 68-5. License Requirements/Identification Tags

- A. All dogs harbored within the Town that are four (4) months of age or older, unless otherwise exempted, must be licensed. No license shall be required for any dog that is under the age of four months and which is not at large or that is residing in a pound or shelter maintained by or under contract or agreement with the State or any county, city, town or village, duly incorporated society for the prevention of cruelty to animals, duly incorporated humane society or duly incorporated dog protective association. Licenses may only be issued or validated by the Town Clerk of the Town of Owasco.

- B. The owner of each dog required to be licensed shall obtain, complete and return to the Clerk a dog license application together with the license application fee, any applicable license surcharges and such additional fees as may be established by the Town. The application shall be made using a form or forms provided by the Town, and shall include the sex, year of birth, breed, color and municipal identification number of the dog and other identification marks if any, as well as the name, address, telephone number, county and town, city or village of residence of the owner, street address where the dog will be harbored (if different from the owners mailing address) as well as any other information the Town may deem appropriate.
- C. Each license application shall be accompanied by proof that the dog has been vaccinated against rabies or a statement from a licensed veterinarian that such vaccination would endanger the dog's life, in which case vaccination shall not be required.
- D. In the case of a spayed or neutered dog, every license application shall be accompanied by a certificate signed by a licensed veterinarian or an affidavit signed by the owner, showing that the dog has been spayed or neutered, unless such certificate or affidavit is already on file with the Clerk or animal control officer. In lieu of such certificate an owner may also present a statement certified by a licensed veterinarian stating that he or she has examined the dog and found that because of old age or other reason, the life of the dog would be endangered by spaying or neutering.
- E. Upon validation by the Clerk, the application shall become the license for the dog described therein. Once an application has been validated, no refund therefor shall be made. The Clerk or animal control officer shall provide a copy of the license to the owner and retain a copy in the Town records. Upon request, the license shall be made available by the Town to the Commissioner of the New York State Department of Agriculture and Markets for purposes of rabies and other animal disease control efforts and actions.
- F. Each license issued or renewed shall be valid for a period of one year and shall not be transferable. Each license shall expire on the last day of the month of the period for which they are issued. Upon the transfer of ownership of any dog, the new owner shall immediately make application for a license for such dog.
- G. Each dog licensed pursuant to this Chapter shall be assigned a Town identification number. Such identification number shall be carried by the dog on an identification tag which shall be affixed to a collar on the dog at all times. The identification tag shall be furnished to the owner at no charge. Any replacement tag shall be obtained by the owner at his/her expense at a fee and in such manner as to be determined by the Town Clerk.
 - 1. No tag carrying an identification number shall be affixed to the collar of any dog other than the one to which that number has been assigned.
 - 2. In the event of a change in ownership of any dog which has been licensed pursuant to this Chapter or in the address of the owner of any such dog, the owner shall, within ten days of such change, notify the Clerk of such change. Such owner shall be liable for any violation of this Chapter until such notification is made or until the dog is licensed in the name of the new owner.
 - 3. If any dog which has been licensed pursuant to this Chapter is lost or stolen, the owner shall, within ten days of the discovery of such loss or theft notify the Clerk of such loss or theft. In the case of loss or theft, the owner of any such dog shall not be liable for any violation of this Chapter committed after such notification to the Clerk.
 - 4. Upon the death of any dog licensed pursuant to this Chapter, the owner shall notify the Clerk either prior to or upon the time for renewal of the license.

§ 68-6. Restrictions.

It shall be unlawful for any owner of any animal to permit or allow such animal in the Town of Owasco to:

- A. Engage in habitual loud howling, barking, crying, whining, or to conduct itself in such a manner as to unreasonably and habitually annoy any person;
- B. Cause damage or destruction to property, including scattering garbage, or commit a nuisance by defecating or urinating upon the premises of a person, other than the owner of such animal;
- C. Chase or otherwise harass any person in such a manner as reasonably to cause intimidation or annoyance or to put such person in reasonable apprehension of bodily harm or injury;
- D. Habitually chase, run along side of or bark at motor vehicles, bicycles or pedestrians.
- E. **Run at large unless the dog shall be restrained as provided in the definition of “restraint” in § 68-4. Notwithstanding the foregoing, a dog or dogs accompanying its owner or a responsible person who is engaged in lawful hunting shall be considered in compliance with this Leash Law as long as the dog is under the full control of such owner or person.**

§ 68-7. Confinement of dogs in heat.

All owners of female dogs in heat shall keep such dogs confined in such manner as to not be in contact with other dogs (except for intentional breeding purposes) and so as to avoid creation of a nuisance by attracting other dogs.

§ 68-8. Enforcement.

- A. This chapter shall be enforced by any animal control officer, peace officer, when acting pursuant to special duties, or police officer.
- B. Notwithstanding the existence of any other enforcement procedure or remedy, the Town Animal Control Officer shall be authorized to seize any dog that is unlicensed or any animal that in his or her judgment is a danger to public health, welfare or safety.
- C. The Town Board may from time to time by resolution amend this Chapter to allow for leash requirements in other designated areas of the Town of Owasco upon the posting of signage clearly indicating such leash requirements.

§ 68-9. Seizure; impoundment; redemption and adoption.

- A. Any dog found in violation of the provisions of § 68-5 or 68-6 of this chapter may be seized pursuant to the provisions of § 117 of the Agriculture and Markets Law (effective January 1, 2011).
- B. Every dog seized shall be properly cared for, sheltered, fed and watered for the redemption period set forth in § 117 of the Agriculture and Markets Law (effective January 1, 2011).
- C. Seized dogs may be redeemed by producing proof of licensing and identification pursuant to the provisions of Article 7 of the Agriculture and Markets Law and by paying the following seizure fee to the Town Clerk:
 - (1) For the first seizure: \$25.00.
 - (2) For a second seizure of the same dog, within one year from the first seizure: \$50.00.
- D. If the owner of any unredeemed dog is known, such owner shall be required to pay the seizure fees set forth in Subsection C of this section, the impoundment and storage fees of the animal shelter keeping said dog and the euthanization fee, if applicable, whether or not such owner chooses to redeem his or her dog.
- E. Any dog unredeemed at the expiration of the appropriate redemption period shall be made available for adoption or euthanized pursuant to the provisions of § 117 of the Agriculture and Markets Law.
- F. Other animals shall be impounded and disposed of in the same manner as dogs, except that in no event shall the costs of seizure, impoundment, redemption, and euthanization be less than the actual costs incurred by the Town.

- G. The applicant for any permit to keep or possess a dog, within the Town of Owasco, shall at the time of application pay to the Town the following fees:

Type of Dog	State Assessment	Local Fee	Total Fee
Spayed or Neutered	\$1.00	\$4.00	\$5.00
Unspayed or Unneutered	\$3.00	\$10.00	\$13.00

- H. There shall be no fee for any license issued for any guide dog, hearing dog, service dog, war dog, working search dog, detection dog, police work dog or therapy work dog as those terms are defined in §108 of Article 7 of the New York State Agriculture and Markets Law (effective January 1, 2011).
- I. The fee for a dog license issued pursuant to this Chapter may be amended from time to time by the Town Board by resolution.
- J. Enumeration Fee: When the Town Board determines the need for a dog enumeration, a fee of \$5.00 will be assessed to all dogs found unlicensed or renewed at the time the enumeration is conducted.

§ 68-10. Complaints.

Any person who observes any animal in violation of this chapter may file a complaint under oath with the Town Animal Control Officer or a Justice of the Town of Owasco specifying the nature of the violation, the date thereof, a description of the animal and the name and residence, if known, of the owner of the animal. Such complaint may serve as the basis for enforcing the provisions of this chapter by commencement of a civil action by the Town to collect the penalties referenced in § 49-11.

In the event of a complaint of animal cruelty or torture, the animal control officer shall inform the person making a complaint that pursuant to Article 26 of the New York State Agriculture and Markets Law, only a duly appointed constable, police officer or duly appointed agent or officer of any duly incorporated society for the prevention of cruelty to animals may enforce such provisions of the law.

§ 68-11. Penalties for offenses.

Any owner in violation of this chapter shall be subject to a civil penalty of \$50. Upon a second violation of this chapter by an owner, the civil penalty shall be \$100.

In addition to the penalties imposed under this Chapter, any person may be subject to fines and penalties for violations of the New York State Agriculture and Markets Law Article 7 and such person may be subject to the penalties contained in §118 of the state law.

§ 68-12. Severability.

Each separate provision of this chapter shall be deemed independent of all other provisions, and if any provision shall be deemed or declared invalid, all other provisions shall remain valid and enforceable.

§ 68-13. When effective.

This chapter shall take effect on January 1, 2011.

Motion by Councilperson Lattimore; Second Councilperson Gucciardi.

Roll call vote: Councilperson Alberici Yes Councilperson Gucciardi Yes
Councilperson Lattimore Yes Councilperson Wagner Yes
Supervisor Klink Yes

Resolution 10- 196 to accept and approve the 2011 Town of Owasco Budget.

Motion by Councilperson Gucciardi; Second Councilperson Alberici.

Roll call vote: Councilperson Alberici Yes Councilperson Gucciardi Yes
Councilperson Lattimore Yes Councilperson Wagner Yes
Supervisor Klink Yes

Resolution 10- 197 to pre-pay the Finger lakes Dog Protection Agency invoice which was misplaced and not put on the November Abstract in the amount of \$433.00.

Motion by Councilperson Gucciardi; Second Councilperson Alberici.

Roll call vote: Councilperson Alberici Yes Councilperson Gucciardi Yes
Councilperson Lattimore Yes Councilperson Wagner Yes
Supervisor Klink Yes

Resolution 10- 198 to adjourn to executive session at 7:13 P. M. to discuss personnel issues. Contract negotiations and possible litigation.

Motion by Councilperson Wagner; Second Councilperson Gucciardi.

Roll call vote:	Councilperson Alberici <u>Yes</u>	Councilperson Gucciardi <u>Yes</u>
	Councilperson Lattimore <u>Yes</u>	Councilperson Wagner <u>Yes</u>
	Supervisor Klink <u>Yes</u>	

Resolution 10-199 to return from executive session at 7:50 P. M.

Motion by Councilperson Gucciardi; Second Councilperson Wagner.

Roll call vote:	Councilperson Alberici <u>Yes</u>	Councilperson Gucciardi <u>Yes</u>
	Councilperson Lattimore <u>Yes</u>	Councilperson Wagner <u>Yes</u>
	Supervisor Klink <u>Yes</u>	

OHER:

AUDIT AND PAYMENT OF CLAIMS:

Resolution 10-200 authorizing the audit and payment of the following claims:

General and Highway Funds, Special Districts, (Water and Sewer Districts), Capital Project and Reserve Fund claims, and ratifying the payment of the prepaid claims as authorized by resolution 10-016 adopted January 14, 2010, all in accordance with the attached abstract of claims.

ABSTRACT # 11 2010 Vouchers 673-736 in the amount of \$155,924.50

Motion by Councilperson Gucciardi; Second Councilperson Alberici.

Roll call vote:	Councilperson Alberici <u>Yes</u>	Councilperson Gucciardi <u>Yes</u>
	Councilperson Lattimore <u>Yes</u>	Councilperson Wagner <u>Yes</u>
	Supervisor Klink <u>Yes</u>	

ADJOURNMENT:

Resolution 10-201 to adjourn the meeting:

Motion by Councilperson Gucciardi; Second Councilperson Alberici.

Roll call vote:	Councilperson Alberici <u>Yes</u>	Councilperson Gucciardi <u>Yes</u>
	Councilperson Lattimore <u>Yes</u>	Councilperson Wagner <u>Yes</u>
	Supervisor Klink <u>Yes</u>	

Meeting adjourned at 8:05 P.M.

Robert A. Shaw Town Clerk