

Town Board Minutes  
Public Hearing LL 02-10  
November 9, 2010

The regular November meeting and the public hearing on Local Law "Regulations Regarding the Licensing of Dogs" of the Town Board held at 56 Geneva St. Dresden, was called to order at 7:30 PM by Supervisor Flynn.

Present: Patrick Flynn, Council: Burge Morris, John Martini, Colby Petersen

Absent :Linda Francisco,

Others: District Legislator: Dr. Tim Dennis, George Thompson, John Ghidiu, Linda Lefko, LouJane Johns, Mary Lilyea- Assessor, Dave Parkhurst, Katie Parkhurst, Dick Mashewske, Steve Eskildsen

Mr. Flynn led the pledge of allegiance

Mr. Flynn presented the abstract of vouchers for audit

Motion by Mr. Morris, 2<sup>nd</sup> Mr. Petersen, that the bills on the General A & B accounts in the amount of \$ 8,766.50 be paid, carried by all.

Motion by Mr. Petersen, 2<sup>nd</sup> Mr. Martini, that the bills on the Highway DA & DB accounts in the amount of \$ 3,572.52 be paid, carried by all.

Motion by Mr. Martini, 2<sup>nd</sup> Mr. Petersen, that the final installment of Fire Protection in the amount of \$ 42,573. be paid, carried by all.

Motion by Mr. Morris, 2<sup>nd</sup> Mr. Martini, that the bills on the Watershed SD account in the amount of \$626.32 be paid, carried by all.

The public hearing on Local Law A was opened by Mr. Flynn at 7:35PM.

Motion by Mr. Morris, 2<sup>nd</sup> Mr. Flynn to accept the October 12 & November 1, 2010 minutes, carried by all.

Motion by Mr. Flynn, 2<sup>nd</sup> Mr. Martini, authorizing the Justice to apply for a JCAP Grant for 2010, carried.

Motion by Mr. Martini, 2<sup>nd</sup> Mr. Morris authorizing the Supervisor to sign contract with Yates County Highway for Snow and Ice removal within the Town for the year 2011, carried.

Discussion regarding Dog Licensing, specifically pure bred and exempt licenses. The pure bred licenses that were issued in the past have been cancelled. The owners applied and received exemption from Ag & Markets and are listed as licensed pet dealers. ( Class A Dealer Exemption Certificate). This gives more control over operations as the facility's in which the dogs are housed are inspected once a year by Ag & Market inspector. The Town has never offered exempt dog licenses in the past as there was no call for them. Fee's were discussed and will be set by resolution of the Town fee schedule as needed. The increase of fees to \$10 and \$18 will help offset the town's new expenses of dog tags, renewal reminders and licensing mailing cost, the State mandated surcharges of \$1 or \$3 per dog, enumeration and subsequent court cost in the prosecution for owners charged with harboring a non licensed dog (s).

Mr. Flynn asked if there were any interested persons present to speak in favor or against the proposed "Dog Law".

Asked why cats are not licensed, Dr. Dennis stated that the original intent of dog licensing was to hold owners accountable for damage to livestock. It carried over from that to rabies control with a public health connection. Cats are hard to track identification and prove ownership and were never a threat to livestock. There is now a state law requiring domestic cats have rabies vaccination but the identification and tracking are problematic

The Code Enforcement Officer/Watershed report was presented to the board. The board was asked why Ron Kenville does not attend meetings. Mr. Flynn stated that he turns in his monthly report and it is not in his contract that he must attend the meetings. He has attended 6 of 12 meetings this year.

John Ghidiu inquired if the town board had a plan to keep future budget's sound and maintain the current tax rates. The members commented that they had diligently gone thru the budget line by line. increases were due to State retirement cost increases. Health care benefits, a town website development and new pickup truck.

Mary Lilyea stated the NYS ORPS in 2011, will be introducing a new program for maintenance aid.

There being no further discussion on the proposed Local Law, Mr. Flynn closed the hearing at 8:05 PM

Mr. Flynn made a motion 2<sup>nd</sup> Mr. Martini to adopt Local Law entitled "Regulations Regarding the Licensing of Dogs" with Roll Call Vote

Flynn – Aye, Martini– Aye, Morris – Aye. Petersen – Aye, Francisco – Absent Adopted 4–0–1

**WHEREAS**, a resolution was duly adopted by the Town Board of the Town of Torrey for a public hearing to be held by said Town Board on October 12, 2010, at 7:30 p.m. at Torrey Meeting Room 56 Geneva Street, Dresden, New York to hear all interested parties on a proposed Local Law entitled, " Regulations Regarding the Licensing of Dogs" and

**WHEREAS**, notice of said public hearing was duly advertised in the official newspaper of the Town of Torrey , on November 3, 2010 and other notices required to be given by law were properly served, posted or given; and

**WHEREAS**, said public hearing was duly held on November 9, 2010, at 7:30 p.m. at the Torrey Meeting Room 56 Geneva St. Dresden New York, and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said Proposed Local Law, or any part thereof; and

**WHEREAS**, the Town Board of the Town of Torrey, after due deliberation, finds it in the best interest of the Town of Torrey to adopt said Local Law,

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Torrey hereby adopts said Local Law No. 2 of 2010, entitled " Regulations Regarding the Licensing of Dogs", a copy of which is attached hereto and made a part of this resolution, and be it further

**RESOLVED**, that the Town Clerk be and she hereby is directed to enter said Local Law in the minutes of this meeting and in the Local Law Book of the Town of Torrey, and to give due notice of the adoption of said local law to the Secretary of State of New York.

## **LL 02–10 REGULATIONS REGARDING THE LICENSING OF DOGS**

### **SECTION 1. Purposes:**

A. Part T of Chapter 59 of the Laws of 2010 provides for the elimination, on January 1, 2011, of New York State Department of Agriculture and Markets' dog licensing functions, including the agency's centralized Dog Licensing System. As a result, the existing roles of both county government and the New York State Department of Agriculture and Markets in the licensing of dogs will be eliminated on January 1, 2011. As a result, effective January 1, 2011 the remainder of the dog licensing functions required

by Article 7 of the Agriculture and Markets Law will become the responsibility of the of local government and local government action is necessary to determine local fees and other policies prior to January 1, 2011.

B. The Town Board of the Town of Torrey finds that it is necessary for the health, safety and well being of the public for the Town Board to adopt certain regulations pertaining to the licensing of dogs based on the new responsibilities it is required to carry out effective January 1, 2011, which regulations will provide for the licensing and identification of dogs, the control and protection of the dog population and the protection of persons, property, domestic animals and deer from dog attack and damage.

C. The Town Board of the Town of Torrey finds that it is necessary for the fiscal soundness of the Town of Torrey to authorize certain fees and charges for the duties the Town is required to carry out exclusively pertaining to the licensing of dogs effective January 1, 2011.

#### SECTION 2. Authority:

This Local Law is enacted pursuant to the provisions of the Agriculture and Markets Law of the State of New York and of the Municipal Home Rule Law of the State of New York.

#### SECTION 3. Provisions:

Article I, II of Chapter 44 (Dogs and other Animals) of the Code of the Town of Torrey is hereby repealed in its entirety and a new Article I is hereby inserted in its place to read as follows:

#### Article I

#### DOG LICENSING LAW

##### §44.1 Title:

This law shall be known and may be cited as the Dog Licensing Law of the Town of Torrey

##### §44-2 Licensing of Dogs:

All dogs in the Town of Torrey, unless otherwise exempted by New York State Agriculture and Markets Law, must be licensed with the Town Clerk of the Town of Torrey by the age of four (4) months.

##### §44-3 Application:

The owner of each dog required to be licensed shall, for new applications and renewal applications, obtain, complete and return to the Town Clerk:

1. A dog license application;
2. The license application fee;
3. Any applicable license surcharges;
4. Such additional fees as may be established by the Town Board of the Town of Torrey;
5. 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;
6. In the case of a spayed or neutered dog, a certificate signed by a licensed veterinarian or an affidavit signed by the owner, showing that the dog has been spayed or neutered, provided such certificate or affidavit shall not be required if

the same is already on file with the Town Clerk. In lieu of the spay or neuter certificate, an owner may 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. In such case, the license fee for the dog shall be the same as for a spayed or neutered dog.

#### §44-4 Identification Tag:

Each dog licensed pursuant to this Law shall be assigned, at the time the dog is first licensed, a municipal 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. 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.

#### §44-5 License Term:

All dog licenses will be for a period of one year and will expire at the end of the month one year from the date of issue.

#### §44-6 Licenses Non-Transferrable:

Any license issued pursuant to this Law shall not be transferable. Upon the transfer of ownership of any dog, the new owner shall immediately make application for a new license for such dog.

#### §44-7 Purebred Licenses:

The Town of Torrey will not issue purebred licenses.

#### §44-8 Guide Dog, Service Dog, Hearing Dog or Detection Dog Tag:

The Town of Torrey will not issue a special tag for identifying any guide dog, service dog, hearing dog or detection dog

#### §44-9 Fees and Surcharges:

The fees and surcharges for issuing dog licenses shall be fixed by the Town Board. Such fees and surcharges may from time to time be changed as the Town Board may determine. These fees and surcharges may include:

1. The license fee for a spayed or neutered dog;
2. The license fee for an unsprayed or an un-neutered dog (such fee having to exceed the fee for a license for a spayed or neutered dog by such amount as mandated by the New York State Agriculture and Markets Law);
3. In addition to the license fee authorized by this law and established by the Town Board of the Town of Torrey, a surcharge if the dog to be licensed is altered (such surcharge shall be, at a minimum, such amount as mandated by the New York State Agriculture and Markets Law);
4. In addition to the license fee authorized by this law and established by the Town Board of the Town of Torrey, a surcharge if the dog to be licensed is not altered (such surcharge shall be, at a minimum, such amount as mandated by the New York State Agriculture and Markets Law);

5. In addition to the license fee authorized by this law and established by the Town Board of the Town of Torrey, a surcharge to recover and defray the cost of an enumeration of dogs living with the Town of Torrey.
6. In addition to the license fee authorized by this law and established by the Town Board of the Town of Torrey, a surcharge offsetting costs associated with the provision and replacement of identification tags.

]§44-10 Penalties:

A violation of this Law shall be punishable by:

- A. A fine of twenty-five dollars (\$25.00) for a first violation;
- B. A fine of fifty dollars (\$50.00) for a second violation within five years of the first violation; and
- C. Where the person was found to have committed two or more such violations within the preceding five years, either a fine of one hundred dollars (\$100.00) or imprisonment for not more than fifteen days, or both.

SECTION 4. Separability:

If any clause, sentence, paragraph, section or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been ordered.

SECTION 5. Effective Date:

**This local law shall take effect January 1, 2011 after filing with the Secretary of State.**

David Parkhurst introduced himself to the town board and audience members. He has discussed the Highway Superintendent job with Mr. Mashewske and is planning on running for the position next election 2011. He is a long time resident of Torrey, presently works for NYS DOT as a mechanic; he is a member of Dresden Fire Dept., the First Responders and PYAVAC. He served as Code Officer for the Village of Dresden and is interested in local government operations.

The Board thanked him for the introduction and wished him well.

There being no further business before the Board, Motion to adjourn by Mr. Flynn,  
2<sup>nd</sup> Mr. Martini, carried at 8:15PM

Respectfully submitted  
Betty M. Daggett