

Minutes of the Town Board Meeting held at Town Hall on September 16, 2010 at 7:30PM

Present: John Burke, Supervisor
Amidee Haviland and James Skoufis, Councilmen
Absent: Carlton Levine and Frank Palermo, Councilmen
Also Present: Richard Liberth, Attorney for the Town; Robert Kwiatkowski, Police Chief

I. Public Hearing:

a. Licensing of Dogs:

A public hearing was held to entertain public comments on Introductory Local Law 2 of 2010 which amends Chapter 85 of the Town Code entitled "Animals" and Chapter 143 entitled "Fees" to provide for licensing procedures relating to dogs. The public notice was printed in the Times Herald Record on September 10, 2010 and the following comments were received:

Clerk Potvin explained that the State is no longer going to be responsible for the administrative duties associated with the licensing of dogs. The Town is required, by January 1, 2011, to adopt legislation that addresses procedures regarding licensing of dogs.

With no further comments received, a motion was offered by Supervisor Burke, seconded by Councilman Haviland, to close the public hearing.

ADOPTED AYES 3 Burke, Haviland, Skoufis
 NOES 0

Motion was then offered by Councilman Skoufis, seconded by Councilman Haviland, to adopt Local Law 2 of 2010 as follows:

A LOCAL LAW AMENDING CHAPTER 85 OF THE CODE OF THE TOWN OF WOODBURY ENTITLED "ANIMALS" TO PROVIDE FOR PROCEDURES TO BE FOLLOWED IN RELATION TO THE LICENSING OF DOGS AND TO AMEND CHAPTER 143 ENTITLED "FEES" TO DELETE FEES ASSOCIATED WITH LICENSING OF DOGS

BE IT ENACTED by the Town Board of the Town of Woodbury, Orange County, New York, as follows:

SECTION 1.

Chapter 143 of the Code of the Town of Woodbury is hereby amended by deleting Section 143-3(F) and all of its subsections.

SECTION 2.

Chapter 85 of the Code of the Town of Woodbury is hereby amended by adding the following:

ARTICLE VI – LICENSING OF DOGS

- §85-17** Legislative Purpose
- §85-18** Definitions
- §85-19** Dog Licensing Requirements/Procedures
- §85-20** Identification of Dogs
- §85-21** Change of Ownership, Lost or Stolen Dogs
- §85-22** Violations

§85-17 Legislative Purpose

The purpose of this article is to provide for the licensing and identification of dogs. Effective January 1, 2011, the State of New York has relinquished the responsibility of dog licensing function to local municipalities and eliminated the Animal Population Control Fund. Local municipalities will now be required to adopt legislation relating to this issue.

§85-18 Definitions

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

ADOPT means the delivery to any natural person eighteen years of age or older, for the purpose of harboring a dog, seized or surrendered, from the Town's animal shelter.

ANIMAL/DOG CONTROL OFFICER means any individual appointed by the Town Board to assist in the enforcement of this Chapter

CLERK means the Town clerk, or Deputy Town Clerk, of the Town of Woodbury, where licenses are to be validated or issued

DETECTION DOG means any dog that is trained and is actually used for such purposes or is undergoing training to be used for the purpose of detecting controlled substances, explosives, ignitable liquids, firearms, cadavers, or school or correctional facility contraband

DOG means any member of the species canis familiaris

GEESE DOG means any dog that is trained to aid the Animal/Dog Control Officer in the control of geese within the boundaries of the Town

GUIDE DOG means any dog that is trained to aid a person who is blind and is actually used for such purpose, or any dog owned by a recognized guide dog training center located within the State of New York during the period such dog is being trained or bred.

HARBOR means to provide food or shelter to any dog

HEARING DOG means any dog that is trained to aid a person which a hearing impairment and is actually used for such purpose, or any dog owned by a recognized training center located within the State of New York during the period such dog is being trained or bred for such training

IDENTIFICATION TAG means a tag which sets forth an identification number, as required by the provisions set forth in this article

TOWN means Town of Woodbury, including incorporated areas

OWNER means any person who harbors or keeps any dog

PERSON WITH DISABILITY means any person with a disability as that term is defined in Subdivision 22 of Section 292 of the New York State Executive Law

POLICE WORK DOG means any dog owned or harbored by any municipal police department or any State or Federal law enforcement agency, which has been trained to aid law enforcement officers and is actually being used for police work purposes

SENIOR RESIDENT means any resident of the Town age 65 or older

SERVICE DOG means any dog that has been or is being individually trained to do work or perform tasks for the benefit of a person with a disability, provided that the dog is or will be owned by such person or that person's parent, guardian or other legal representative

THERAPY DOG means any dog that is trained to aid the emotional and physical health of patients in hospitals, nursing homes, retirement homes and other settings and is actually used for such purpose, or any dog owned by a recognized training center located within the State of New York during the period such dog is being trained or bred for such purpose

WAR DOG means any dog which has been honorably discharged from the United States armed services

WORKING SEARCH DOG means any dog that is trained to aid in the search for missing persons and is actually used for such purposes; provided, however, that such services provided by said dog shall be performed without charge or fee

§85-19 Dog Licensing Requirements/Procedures

1. Licensing of Dogs.

- a) The owner of any dog reaching the age of four months shall immediately make application for a dog license. No license shall be required for any dog under the age of four months that is not at large. A license shall be renewed after a period of one year beginning with the first day of the month following the date of issuance. Renewal shall be for a minimum of one year and shall not exceed three years, based on the validation term of the rabies vaccination.
- b) Application for a dog license shall be made to the Clerk.
- c) The application shall state the sex, actual or approximate year of birth, breed, color(s), and official identification number of the dog, and other identification markers, if any, and the name, address, telephone number, county and town of residence of owner.
- d) The application shall be accompanied by a license fee as listed below and a valid certificate of rabies vaccination or statement in lieu thereof. In the case of a spayed or neutered dog, every application shall also be accompanied by a certificate signed by a licensed veterinarian showing that the dog has been spayed or neutered, provided such certificate shall not be required if the same is already on file with the clerk.
- e) The fees for a dog license shall be as follows:
 - i. Unspayed/Unneutered Dog \$20 per year
(Includes state mandated \$3 surcharge)
 - ii. Spayed/Neutered Dog \$10 per year
(Includes state mandated \$1 surcharge)

There shall be no fee charged for the license issued for any detection dog, geese dog, guide dog, hearing dog, police work dog, service dog, therapy dog war dog or working search dog; and any dog owned by a senior resident.

- f) Upon validation by the clerk, the application shall become a license for the dog described therein. Once an application has been validated, no refund shall be made.
- g) The clerk shall provide a copy of the license to the owner and retain a record of the license in either paper or electronic format.
- h) No license shall be transferrable. Upon the transfer of ownership of any dog, the new owner shall immediately make application for a license for such dog. The original issued identification tag shall remain the same for the life of the dog.
- i) No dog can be adopted out of the Town's animal shelter without first obtaining a license from the clerk.

2. Purebred Licenses.

There will not be distinct purebred licenses as previously provided for by the State. Any and all existing purebred licenses will now be required to comply with Section 85-19(1) of this chapter.

3. Rabies Vaccination.

The clerk, at the time of issuing any license pursuant to this article, shall require the applicant to present a statement certified by a licensed veterinarian showing that the dog or dogs have been vaccinated to prevent rabies or, in lieu thereof, a statement certified by a licensed veterinarian stating that because of age or other reason, the life of the dog or dogs would be endangered by the administration of vaccine. The clerk shall make or cause to be made from such statement a record of such information and file such record with a copy of the license.

4. Enumeration.

In addition to other applicable fees, any person applying for a dog license for a dog identified as unlicensed during an enumeration shall pay a fee of \$5.00 (five dollars). Such additional fee shall be used to pay the expenses incurred by the Town in conducting the enumeration. In the event the additional fees collected exceed the expenses incurred by the Town in conducting an enumeration in any year, such excess fees may be used by the Town for any other lawful purpose.

§85-20 Identification of Dogs

1. Each dog licensed shall be assigned, at the time the dog is licensed for the first time, a permanent official 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.
2. The official identification number shall constitute the official identification of the dog to which it is assigned, regardless of changes of ownership, and the number shall not be reassigned to any other dog during the lifetime of the dog to which it is assigned.
3. At the time a dog is first licensed, one identification tag shall be furnished to the owner at no charge. Any replacement tag shall be obtained by the owner at his expense at a fee of \$3.
4. No tag carrying an official identification number shall be affixed to the collar of any dog other than the one to which that number has been assigned.
5. The identification tag shall be imprinted with the "Town of Woodbury", a unique identification number, and the telephone number of the Town Clerk's office.

§85-21 Change of Ownership, Lost or Stolen Dogs

1. In the event of a change in ownership of any dog which has been assigned an official identification number or in the address of the owner of record of any such dog, the owner of record shall, within ten days of such change, notify the Clerk.
2. If any dog which has been assigned an official identification number is lost or stolen, the owner of record shall, within ten days of the discovery of such loss or theft, notify the Clerk.
3. In the case of a dog's death, the owner of record shall so notify the Clerk either prior to renewal of license or upon the time of such renewal.

§85-22 Violations

1. It shall be a violation, punishable as provided in subdivision two of this section, for:
 - a) any owner to fail to license a dog
 - b) any owner to have any dog identified as required by this article
 - c) any person to knowingly affix to any dog any false or improper identification tag, special identification tag for identifying guide, service or hearing dogs

2. Violations of this article shall be subject to a fine, not to be less than twenty-five dollars (\$25.00), except that:
 - a) Where the person was found to have violated this article within the preceding five years, the fine may not be less than fifty dollars (\$50.00); and
 - b) Where the person was found to have committed two or more violations of this article within the preceding five years, the fine may not be less than one hundred dollars (\$100.00).

SECTION 3.

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 be confined in its operation to the clause, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

SECTION 4. Effective date.

This local law shall take effect immediately upon filing with the Secretary of State in Albany.

ADOPTED BY ROLL CALL AS FOLLOWS:

Supervisor Burke	AYES
Councilman Haviland	AYES
Councilman Levine	ABSENT
Councilman Palermo	ABSENT
Councilman Skoufis	AYES

II. Administrative Business:

a. Acceptance of Minutes:

Motion was offered by Supervisor Burke, seconded by Councilman Skoufis, to accept the minutes of the regular meeting held September 2, 2010.

ADOPTED AYES 3 Burke, Haviland, Skoufis
 NOES 0

b. Approval of Abstract:

Motion was offered by Councilman Skoufis, seconded by Councilman Haviland, to approve Abstract 19, Vouchers #20101797 - #20101888, totaling \$252,359.58.

ADOPTED AYES 3 Burke, Haviland, Skoufis
 NOES 0

c. Approval of Budget Modification(s):

Motion was offered by Supervisor Burke, seconded by Councilman Skoufis, to approve a modification to the budget of the Parks Department by decreasing A7110.100 (Personal Services) by \$8373 and increasing A7110.419 (Water Bills) by \$8373.

ADOPTED AYES 3 Burke, Haviland, Skoufis
 NOES 0

Motion was offered by Supervisor Burke, seconded by Councilman Skoufis, to approve a modification to the budget of Debt Service in the General Fund by decreasing A9710.602 (CV Pond – Phase III Principal) by \$1,400,000, decreasing A9710.702 (CV Pond – Phase III Interest) by \$28,000 and increasing A9730.600 (BAN Principal – CV Pond Phase III) by \$1,400,000, increasing A9730.700 (BAN Interest – CV Pond Phase III) by \$28,000.

ADOPTED AYES 3 Burke, Haviland, Skoufis
 NOES 0

d. Signing of Tax Collectors Bond:

Each Board member present signed the 2011 Tax Collectors Bond which will be sent to the County for official filing.

e. Amendment to Procurement Policy:

Effective June 22, 2010 the State increased the competitive bidding limit, from \$10,000 to \$20,000, for purchase contracts. Therefore, a motion was offered by Supervisor Burke, seconded by Councilman Skoufis, to amend "Guideline 3" of the Town's procurement policy as follows:

"Guideline 3. Purchase of goods of a single item or purchase of multiple quantities of the same item shall follow the following:

Less than \$20,000 but greater than \$10,000	Three written quotes with documentation
Less than \$10,000 but greater than \$5,000	Two written quotes with documentation
Less than \$5,000 but greater than \$2,500	Two verbal quotes with documentation
Less than \$2,500	Left to discretion of the Purchaser"

ADOPTED AYES 3 Burke, Haviland, Skoufis
 NOES 0

EXTRA ITEM – Acceptance of Resignation:

Motion was offered by Supervisor Burke, seconded by Councilman Haviland, to accept, with regrets, the resignation of Elizabeth Taggart from the position of Library Clerk effective September 14, 2010. It was noted that Mrs. Taggart held this position for the 15 years.

ADOPTED AYES 3 Burke, Haviland, Skoufis
 NOES 0

III. Old Business:

a. Acceptance of Bid – Sale of Surplus Equipment:

Motion was offered by Councilman Skoufis, seconded by Councilman Haviland, to accept the bid received through AuctionsInternational.com for the sale of the 2001 Dodge Durango for \$3100.

ADOPTED AYES 3 Burke, Haviland, Skoufis
 NOES 0

b. Advertise for Bids – Replacement of Estrada Road Bridge:

Motion was offered by Councilman Haviland, seconded by Councilman Skoufis, to authorize the Town Clerk and/or Fusco Engineering to advertise for bids for the replacement of the Estrada Road Bridge.

ADOPTED AYES 3 Burke, Haviland, Skoufis
 NOES 0

IV. New Business:

a. Schedule Public Hearing – Adoption of Assessment Rolls:

Motion was offered by Supervisor Burke, seconded by Councilman Skoufis, to schedule a public hearing to be held on October 21, 2010 at 7:30PM to entertain public comments on the adoption of the following assessment rolls: Consolidated Sewer, Refuse District, Highland Lake Estates Sewer, Water No 6 (Amdur Park) and Sewer No 1 (Valley Forge).

ADOPTED AYES 3 Burke, Haviland, Skoufis
 NOES 0

b. Waiver of Garage Sale Requirements – Keller Williams:

Motion was offered by Supervisor Burke, seconded by Councilman Skoufis, to waive the garage sale permit requirement for Keller Williams Realty for their fundraising event being held on September 18, 2010.

ADOPTED AYES 3 Burke, Haviland, Skoufis
 NOES 0

V. Department Reports:

a. Supervisor's Report –

Motion was offered by Councilman Haviland, seconded by Councilman Skoufis, to approve the Supervisor's Report for August 2010 with receipts totaling \$502,297.20 and disbursements totaling \$1,451,754.71.

ADOPTED AYES 3 Burke, Haviland, Skoufis
 NOES 0

b. Town Clerk's Report – August 2010

c. False Alarm Report – July 2010

d. Parks/Recreation Minutes – August 31, 2010

e. Animal/Goose Control Report – August 2010

f. Police/Communications Report – August 2010

g. Beautification Commission Minutes – August 24, 2010

h. Library Minutes – None Received

i. Budget vs. Actual – August 2010

VI. Public Comment:

Chief Kwiatkowski acknowledged the efforts of Lieutenant Abbot as he has successfully secured a \$60,000 grant from Congressman John Hall's office for a new generator at the police station.

John Smith asked if FEMA money will be received for the Estrada Road Bridge. Supervisor Burke stated the engineer has tried applying for funds but it is highly unlikely we will be successful in receiving any. Councilman Skoufis noted that the Town did receive money from FEMA and SEMO, approximately \$50,000, for the storm that occurred in March 2010. Supervisor Burke added that a lot of paperwork was prepared by Highway Clerk Sheila Beadle and acknowledged her efforts in this matter.

VII. Adjournment:

With no further comments received or business to discuss, a motion was offered by Supervisor Burke, seconded by Councilman Haviland, to adjourn the meeting at 8:00PM.

ADOPTED AYES 3 Burke, Haviland, Skoufis
 NOES 0

Desiree Potvin, Town Clerk