

Minutes of the Town Board Meeting/Public Hearing held by the LaFayette Town Board on November 8, 2010 at 6:30 p.m. in the Meeting Room of the LaFayette Commons Office Building at 2577 Route 11 in the Town of LaFayette.

- Present: Adrian Shute, Supervisor  
William McConnell, Councilman  
Andrew Ohstrom, Councilman  
Gerry Doolittle, Councilman
- Absent: David Knapp, Councilman
- Recording Secretary: Mary Jo Kelly, Town Clerk
- Others Present: Kevin Gilligan, Town Attorney  
John Greeley, Deputy Highway Supervisor  
Thomas Chartrand, Town Bookkeeper  
David Coons  
Marilyn Heyer  
Patrick Gilliland, Just Energy

1. Supervisor Shute called the meeting to order at 6:34 p.m.
2. The Town Clerk took the Roll. Councilman Knapp absent, all else present.
3. Pledge to our U. S. Flag led by Town Councilor Gerry Doolittle.
4. **Councilmen Ohstrom moved and McConnell seconded the motion to accept the October 25, 2010 Town Board Meeting Minutes as submitted by the Town Clerk. Voting was as follows:**

<b>Supervisor Shute</b>	<b>Voted</b>	<b>Yes</b>
<b>Councilman McConnell</b>	<b>Voted</b>	<b>Yes</b>
<b>Councilman Ohstrom</b>	<b>Voted</b>	<b>Yes</b>
<b>Councilman Doolittle</b>	<b>Voted</b>	<b>Abstain</b>

**Motion carried.**

**Councilmen Doolittle moved and Ohstrom seconded the motion to accept the November 4, 2010 Town Board Public Hearing and Special Meeting Minutes as submitted by the Town Clerk. Voting was as follows:**

<b>Supervisor Shute</b>	<b>Voted</b>	<b>Yes</b>
<b>Councilman McConnell</b>	<b>Voted</b>	<b>Abstain</b>
<b>Councilman Ohstrom</b>	<b>Voted</b>	<b>Yes</b>
<b>Councilman Doolittle</b>	<b>Voted</b>	<b>Yes</b>

**Motion carried.**

5. **PUBLIC HEARINGS.** Local Law B-2010- A Local Law amending Local Law 3-2009 Relating to an Exemption from Real Property Taxes for Cold War Veterans as Authorized by Sections 458-B of the New York State Real Property Tax Law.

Supervisor Shute asked for any questions or comments.

Councilman Doolittle asked how many people this would apply to.

Supervisor Shute said about 3. He confirmed you only get one exemption.

Kevin Gilligan said that is correct. If you receive any other Veterans Exemption, you would probably not take this one. You only get one exemption.

Supervisor Shute asked for any other questions or comments. There were none.

**Councilmen McConnell moved and Ohstrom seconded the motion to close the Public Hearing. Motion carried.**

## 6. COMMUNICATIONS.

### A. Residents.

### B. Proposal from Patrick from Just Energy.

Patrick Gilliland submitted a copy of their customer agreement. He works for a supplier which is Just Energy. You can have a supplier for the utility bills. From looking over the Town of LaFayette's utility bills, the Town is being charged a variable rate. He could offer a fixed rate for the first 3 months which would be 5% less than our current rate. He is offering a 5-year program. They can keep our bills at a certain cost.

Councilman Ohstrom asked where his company is located.

Patrick Gilliland said their local branch is in Syracuse. They are the largest company of this kind in North America.

Councilman Ohstrom asked what other towns they have.

Patrick Gilliland said Westmoreland, Clinton, Whitestown, and their sister company has Utica.

Councilman Doolittle asked Tom Chartrand for his thoughts on this.

Tom Chartrand said we are talking .3 cents per kilowatt for 3 months. How many kilowatts does he estimate we use?

Patrick Gilliland said we are talking somewhere around \$30.

Tom Chartrand asked if we go to a fixed rate, will it be more or less than the 6.2.

Patrick Gilliland said he doesn't get this answer from his company. You have to presume the markets will go higher over the next 3 months. He doesn't have this answer so he can't get it to us. Most people call and get a quote.

Tom Chartrand asked if his buying power is more than National Grid.

Patrick Gilliland said they don't have any power. There is a deliverer and a supplier. The delivery is what National Grid takes care of. National Grid just buys it on the market and sells it to us. His company buys it at a better quantity to sell to us. It makes more sense to have a 5-year fixed rate. They agree to pay \$125 back per bill if you pay them more than you would pay National Grid.

Tom Chartrand asked how we would know we paid them less than we would have paid National Grid.

Patrick Gilliland said it's automatic. You can always check the utility on line.

Councilman McConnell said this is a very short proposal. Does he ever go back and do an analysis of our use over a 6 month period of time rather than just one month?

Patrick Gilliland said most of the time he wants to come in and give the Board an idea of what he is proposing.

Councilman McConnell asked if he does the analysis of what we pay National Grid in comparison to what we would pay for his company in a years time.

Patrick Gilliland said he can do this.

Councilman McConnell would like to see that the next time Patrick Gilliland comes back. The next thing is that he would like to see a list of the municipalities he has signed up with over the past 12 months.

Patrick Gilliland said Syracuse has only been open for his company to offer their services for the past 6 months. The only thing he wants to be sure we don't get into is that people are going to want automatic savings. You are actually going to have to invest money. If you are paying 6 cents now, with his company you will be at 7 cents. Most of the time with fixed rates over the first year, you will have to make a small investment. 5 years down the road is where most people see the benefit. He has to ask his references if they can be contacted before he gives their names to the Board.

Councilman Doolittle confirmed he is asking for us to sign up for 5 years.

Patrick Gilliland said yes.

Councilman Doolittle said during that time period if this is not working out for us, we would have to pay \$5.50 per month for the remainder of the term if we opted to get out. If the rates had come down and we want to get out because we would be paying more to Just Energy, the agreement is that Just Energy will pay us money back.

Patrick Gilliland said this program would be guaranteed at a fixed rate at 5%. After that, you would agree to a different fixed rate for the remaining 5 years. If you don't like the program and want to get out of it, the exact fee is \$50 maximum or \$5.50 a month for the remainder of the term. They do give us a trial period of a couple of months.

Councilman Doolittle asked if the rate includes the delivery charge.

Patrick Gilliland said your deliveries would be separate from your supplier. It's an all inclusive rate. He asked what the next step the Board would like him to take is.

Councilman McConnell would like to consider it and get back to him. Is the company Ambit a competitor of theirs?

Patrick Gilliland said Ambit is residential only. There are other competitors out there. They are all dealing with variable rates.

### **C. LaFayette Road residents and George Mauer present to discuss Grimm application before Town of Onondaga.**

David Coons was present. Part of his property is in the Town of Onondaga and the other part is in the Town of LaFayette. The people present are all neighbors and are concerned about the Town of Onondaga having let a very large and very commercial business into the area which borders all their properties. They just want to voice their concerns and see what the Town of LaFayette might be able to do to protect their property values. Mr. Grimm's property has had a very large impact on their properties. He dumps materials from his job on the 88 acre site. The area they live in used to be quiet and peaceful and now it's no longer that way. It seems neither town seems to care about them. They are trying to see if someone will listen and respond to their concerns about what is going on there.

Supervisor Shute said this Board doesn't have any authority over the matter being decided on in the Town of Onondaga. The one point that might affect us is if the area is allowing business, it might impact this area of the town. He asked what's in front of the Planning Board in the Town of Onondaga.

David Coons said Mr. Grimm wants to establish a building on this lot for a business and he is currently on the property illegally. It's a major construction company that is in a residential neighborhood. He has 40 employees and 25 trucks that come onto the property and it's not conducive to the surrounding property. Who knows whether another commercial property will be allowed next to this or whether the Town of LaFayette will allow a commercial property since there's one bordering it. The traffic is substantial. They are all diesel trucks. It's all day long. They are just trying to make the Town Board aware of what's going on. It's on their border. They are trying to get someone to care.

Councilman Ohstrom said he can certainly be comfortable in stating what happens in our town has a process. He thinks it would be extremely unlikely for a business to be allowed in a residential area in the Town of LaFayette. We do have control over something like this happening in our town. There is nothing that allows this in the Town of LaFayette because it is allowed in the Town of Onondaga.

Councilman Doolittle said having served on the Zoning Board of Appeals, he thinks he can say with assurance that it would not go through. With the zoning we already have in place, the requirements could not be met by a business of this size. In another town there are other zoning laws, etc. but in the Town of LaFayette he doesn't think there is a danger of this happening.

Marilyn Heyer is questioning what the notification process is. In their case, they had no idea and they border this property but are in the Town of LaFayette. This is an illegal operation Mr. Grimm is doing.

Mary Jo explained the notification process for the Town of LaFayette.

Councilman Ohstrom confirmed there was mention of dumping on the site.

David Coons said they have talked to the DEC about this. Mr. Grimm is supposed to have permits but they haven't found out that he has them.

Councilman Ohstrom confirmed they had an Appeal which they lost.

David Coons said they filed an Article 268. It was thrown out on technicalities. He asked Kevin Gilligan if he had anything he could advise them on this.

Kevin Gilligan said the Town Board really has no role in this matter. There is no application pending at this point.

Marilyn Heyer asked if we were notified.

Kevin Gilligan said there was no application for any approval. There was a determination made by the Code Enforcement Officer that this was O.K. There was no application before any Board.

Councilman Ohstrom said the Board certainly hears their concerns. He wishes the Board could do more. Unfortunately, this is out of our jurisdiction. He thinks the one thing they can walk away with is that our zoning folks would probably find an operation like this unlikely in their area of LaFayette.

A resident asked about the upcoming Comprehensive Public Meetings. Are they regarding zoning?

Supervisor Shute said we do have one coming up. It deals with the Town of LaFayette rewriting our Comprehensive Plan. This is a plan that the Planning Board and Zoning Board of

Appeals can use in helping to make decisions over the next 20 years. It would certainly be a place for folks like him to come voice their concerns. It's a public meeting and everyone is welcome.

Marilyn Heyer confirmed it's on the 18<sup>th</sup> at 5:30 at the High School.

Supervisor Shute said yes. As far as the Town of Onondaga zoning people, if the Supervisor from the Town of Onondaga called him and said our Zoning Officer was doing a bad job, he can tell you how the conversation would go and it wouldn't be helpful. The best he can say is that we will be vigilant over what happens within our borders.

**D. NYS Dept. of Ag. & Markets Municipal Shelter Inspection Report.**

**E. Declare DELL laptop computer as surplus. Dell LBL P/N: 62HMN Rev A00. Model No. PPX.**

Tom Chartrand said this computer was purchased in 2000.

**Councilmen Ohstrom moved and Doolittle seconded the motion to declare the DELL Model PPX as surplus. Motion carried.**

**F. Other.**

**7. SPECIAL REPORTS.**

**8. REPORTS.**

**A. Departmental**

**1. Assessors**

**2. Building & Zoning Code Enforcement**

**3. Dog Control**

**4. Highway Superintendent:**

John Greeley gave the following report:

Equipment: They are continuing to perform paint restoration on plow trucks. They repaired the Magneto on the pull behind broom. The black crew truck did not pass inspection because the left rear leaf spring was bad. They took it to Allied Springs.

Roads: They cut shoulders and ditched on Summer Ridge and repaired the turn-around at the end. They cracked sealed Applewood Estates, Commune Rd. and Thunder Lane.

Park/Beach: They will drain the water and winterize the Beach this week.

**5. Justice Court**

**6. Library Director**

**7. Recreation Director**

8. **Ropes Course**

9. **Tax Collector**

10. **Town Clerk**

A written report for October was submitted.

11. **Town Supervisor**

A written report for October was submitted.

Tom Chartrand said as far as the General Fund in total we are about 70% into the year. We are a little bit high on our budget. We will probably be tapping into our Contingency Account. If we don't receive the Community Development money by the end of the year, we are going to have to fund \$68,000 to the Community Development Fund until this is received.

Supervisor Shute knows Councilman Knapp has been talking to them.

Councilman Ohstrom asked about the \$2,500 invoice for Southern Hills.

Tom Chartrand said every year we give \$2,500 to them as they help our residents with loans, home improvements, heating, etc.

Councilman Ohstrom asked if there is anything we should do before the end of the year.

Tom Chartrand thinks we should be very careful. The good news is the Justice fines are about \$20,000 above budget.

Supervisor Shute asked about the Mortgage Tax.

Tom Chartrand said we should be getting the letter sometime from the county in the next few weeks. He will be out of town the week of the 22<sup>nd</sup>. Just put the bills in his tray and he will pick them up when he gets back.

**B. Committee.**

1) **Community Development.**

Councilman McConnell said the next meeting is the 18<sup>th</sup> at 5:30 at the High School. He will be meeting with the Thoma staff this Friday.

2) **Emergency Response.**

Supervisor Shute asked if the LaFayette Fire Dept. is doing their training separately. John Greeley said everyone will be doing it together.

3) **Employee Policies & Benefits.**

4) **Environmental & Conservation Advisory Board.**

5) **Highway**

Supervisor Shute asked about the delivery of the new equipment.

John Greeley said everything is on schedule.

6) **Physical Plant**

Councilman Doolittle said the Community Center wall is finished.

Discussion took place regarding fixing the drainage so this doesn't happen again.

7) **Recreation & Youth**

8) **Safety.**

Councilman Doolittle said the last two meetings were cancelled as no one could attend.

9) **School District Liaisons.**

Supervisor Shute said they met tonight and the school has taken an active role in the Comprehensive Plan. He thinks everyone agreed tonight that the school should be a large part of the community so it's good we are working together.

10) **Service Awards.**

11) **SOTS & OCRRA Liaison.**

12) **SPDES**

- a) **CNY RPDB Year 3 Stormwater and Education Outreach Compliance Assistance Proposal, Resolution, Timeline and Fee Schedule.**

Councilman McConnell recommends having the Supervisor sign the supporting participation document and send it in tomorrow. This is the last year for this. It's the same program we have been part of over the past two years.

**Councilmen McConnell moved and Ohstrom seconded the motion authorizing the Supervisor to sign the Resolution Supporting Participation in the Central New York Regional Planning and Development Board's Year 3 Stormwater and Education Compliance Assistance Program. Motion passed.**

Councilman McConnell would recommend taking part in the coalition over the next 2 years.

**Councilmen McConnell moved and Doolittle seconded the motion that the Town of LaFayette enter into an Municipal Agreement with CNY Stormwater Coalition and to authorize the Supervisor to sign the paperwork tonight and Councilman McConnell would be the Point of Contact. Motion carried.**

Councilman Doolittle asked if this is for one year.

Councilman McConnell said it's through 2013.

**8. LITIGATION & OTHER LEGAL MATTERS.**

**A. Proposed Local Law C-2010.**

Supervisor Shute asked as far as fines go, does this local law instruct the Court on how much the fines will be?

Kevin Gilligan said a lot of the fines are included in this law. He thinks the Court does have the option to look at the Ag. & Markets Law if they want to.

**B. Introductory Resolution for Proposed Local Law C-2010.**

**TOWN BOARD RESOLUTION  
TOWN OF LAFAYETTE**

**Local Law C-2010**

**Councilman McConnell introduced proposed Local Law No. C-2010 to repeal Local Law No. 1 of 1981 Pertaining to Restrictions upon the Keeping of Dogs in the Town of LaFayette, as previously amended, replacing same with a new local law titled “The Regulation of Dogs in the Town of LaFayette” and made the following resolution, which was seconded by Councilman Doolittle:**

**THEREFORE, it is**

**RESOLVED AND DETERMINED, no other agency has the legal authority or jurisdiction to approve or directly undertake the enactment of Local Laws in the Town of LaFayette, such that there are no other involved agencies within the meaning of the New York State Environmental Quality Review Act (SEQR) with respect to the proposed enactment of said Local Law, with the result that the Town Board shall act as lead agency in this matter; and it is further**

**RESOLVED AND DETERMINED, that there are no other involved agencies, the Town Board shall act as lead agency, and that the enactment of this proposed local law is a Type II action under SEQR, thus concluding the environmental review process; and it is further**

**RESOLVED AND DETERMINED, that the Town Board shall conduct a public hearing as to the enactment of proposed Local Law C-2010 at the LaFayette Town Hall, 2577 Route 11, LaFayette, New York on November 22, 2010, at 6:30 p.m. or as soon thereafter as the matter can be heard, at which time all persons interested on the subject shall be heard.**

**The question of the adoption of the foregoing resolution was duly put to a vote and upon roll call, the vote was as follows:**

<b>Gerry Doolittle</b>	<b>Councilman</b>	<b>Voted</b>	<b>Yes</b>
<b>Andrew Ohstrom</b>	<b>Councilman</b>	<b>Voted</b>	<b>Yes</b>
<b>William McConnell</b>	<b>Councilman</b>	<b>Voted</b>	<b>Yes</b>
<b>David Knapp</b>	<b>Councilman</b>	<b>Voted</b>	<b>Absent</b>
<b>Adrian Shute</b>	<b>Supervisor</b>	<b>Voted</b>	<b>Yes</b>

**The foregoing Resolution was thereupon declared duly adopted.**

**TOWN OF LAFAYETTE  
PROPOSED LOCAL LAW 3-2010**

**A Local Law Pertaining to Dogs  
in the Town of LaFayette**

**BE IT ENACTED by the Town Board of the Town of LaFayette as follows:**

**Section 1.**

**Local Law 1 of 1981, titled “A Local Law to Impose Restrictions upon the Keeping of Dogs within the Town of LaFayette,” as previously amended by Local Laws No. 2-2002, No. 2-2004, No. 1-2007, and No. 5-2009, which pertains to restrictions upon the keeping of dogs in the Town of LaFayette, is hereby repealed in its entirety.**

**Section 2.**

**So that a new local law, titled “The Regulation of Dogs in the Town of LaFayette,” shall be adopted, which shall read, in its entirety, as follows:**

**“The Regulation of Dogs in the Town of LaFayette.**

**Section 1. Purpose.**

**The purpose of this local law is to protect the health, safety and well-being of persons and property within the Town of LaFayette through the licensing and identification of dogs, and by imposing restrictions and regulations upon the keeping of dogs. The Town of LaFayette, New York finds that the uncontrolled behavior of dogs has caused physical harm to persons, damage to property and created nuisances within the Town.**

**Section 2. Authority.**

**This local law is enacted pursuant to the provisions of Article 7 of the Agriculture and Markets Law of the State of New York.**

**Section 3. Title.**

**The title of this local law shall be “The Regulation of Dogs in the Town of LaFayette.”**

**Section 4. Definitions.**

**As used in this local law, the following terms shall have the meanings indicated:**

**ADOPTION - The delivery to any natural person eighteen (18) years of age or older, for the limited purpose of harboring a pet, of any dog, seized or surrendered in the Town of LaFayette.**

**AT-LARGE - To stand, run, walk, or otherwise roam without restriction or restraint by a leash, rope, cord or chain not longer than twelve (12) feet in length affixed to an immovable object, or held by a person of sufficient size, strength and**

**ability to effectively restrain the dog and restrict such movements as to be in control of said dog. No dog shall be deemed to be at large if it is:**

- (1) a guide dog actually leading a blind person;**
- (2) a police work dog performing for law enforcement purposes; or**
- (3) accompanied by and under the control of its owner or other responsible person.**

**DOG - Any member of the species canis familiaris.**

**DOG CONTROL OFFICER - Any individual appointed by the Town of LaFayette to assist in the enforcement of this local law and Article 7 of the New York State Agriculture and Markets Law or any authorized officer, agent or employee of the Society for the Prevention of Cruelty to Animals (SPCA), an incorporated humane society or similar incorporated dog protective association under contract with the Town of LaFayette to assist in the enforcement of this local law.**

**GUIDE DOG - 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 with the State during the period such dog is being trained or bred for such purpose.**

**HARBOR - To provide food or shelter to any dog.**

**HEARING DOG - Any dog that is trained to aid a person with a hearing impairment and is actually used for such purpose, or any dog owned by a recognized training center located within the State during the period such dog is being trained or bred for such purpose.**

**IDENTIFICATION TAG - A tag which sets forth an official identification number, as required by the provisions of this local law.**

**IDENTIFIED DOG - Any dog carrying an identification tag, as provided in Article 7 of the Agriculture and Markets Law.**

**OFFICIAL IDENTIFICATION NUMBER - A series or combination of letters, numbers or symbols approved and furnished by the Town of LaFayette.**

**OWNER - Any person who keeps, harbors, or is in lawful custody, of any dog.**

**OWNER OF RECORD - The person in whose name any dog was last licensed pursuant to this local law and/or Article 7 of the Agriculture and Markets Law, except that if any license is issued on application of a person under eighteen (18)**

**years of age, the owner of record shall be deemed to be the parent or guardian of such person.**

**PERSON - Any individual, corporation, partnership, association or other organized group of persons, municipality, or other legal entity.**

**PERSON WITH A DISABILITY - Any person with a disability as that term is defined in Subdivision 21 of Section 292 of the Executive Law.**

**RECOGNIZED REGISTRY ASSOCIATION - Any registry association that operates on a nationwide basis, issues numbered registration certificates and keeps such records as may be required by the Commissioner of the Department of Agriculture and Markets.**

**SERVICE DOG - 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.**

**TOWN CLERK - Town of LaFayette Town Clerk.**

**Section 5. Licensing of dogs; rabies vaccination requirement.**

**A. Licensing of dogs.**

- (1) The owner of any dog reaching the age of four (4) months shall immediately make application to the Town Clerk for a dog license pursuant to Article 7 of the Agriculture and Markets Law.**
- (2) The application shall state the sex, age, breed, color, official identification number, and identification marks, if any, of the dog and the name, address and telephone number of the owner.**
- (3) The application shall be accompanied by a fee, as set forth in Section 6 of this local law, and a certificate of a current rabies vaccination or statement in lieu thereof, as required by Article 7 of the Agriculture and Markets Law. An application for a spayed or neutered dog shall be accompanied by either a certificate, executed by a licensed veterinarian, or an affidavit by the owner, verifying that such dog has been spayed or neutered; a certificate or affidavit shall not be required if the same is already on file with the Town Clerk. In lieu thereof, an owner may submit a statement, certified by a licensed veterinarian, verifying that an examination of the dog reveals that spaying or neutering will endanger the life of the dog. In such a circumstance, the license fee for the dog shall be the same as for a spayed or neutered dog, as set forth in Article 7 of the Agriculture and**

**Markets Law.**

- (4) Upon validation by the Town Clerk, the application shall become the license for the dog described therein. Once an application has been validated, no refund shall be forthcoming.
- (5) The Town Clerk shall provide a copy of the license to the owner. If the application or renewal for a dog license is made by mail and a validated copy is requested, the owner shall provide a stamped, self-addressed envelope for that purpose.
- (6) No license shall be transferable. Upon the transfer of ownership of any dog, the new owner shall immediately make application for a new license.
- (7) Licenses shall be issued for a period of three (3) years and shall expire on the last day of the month three (3) years from the date of issue. Renewing early or late does not change the renewal month.

**B. Relocation/ Relicensing.**

- (1) The owner of any dog that is currently licensed in another municipality, must, upon harboring such dog in the Town of LaFayette, obtain a Town of LaFayette dog license within thirty (30) days.
- (2) Any dog adopted from an animal shelter must be licensed in the Town of LaFayette prior to being released from such shelter.

**C. Vaccination.**

The Town Clerk shall require the applicant to present a statement certified by a licensed veterinarian showing that the dog has been vaccinated to prevent rabies or, in lieu thereof, a statement certified by a licensed veterinarian stating that the administration of vaccine will endanger the life of the dog. The Town Clerk shall make, or cause to be made from such statement, a record of such information and shall file such record with a copy of the license.

**Section 6. License fees.**

- A. A fee schedule shall be established by resolution of the Town Board of the Town of LaFayette and is available in the office of the Town Clerk. Such fee schedule may thereafter be amended by resolution of the Town Board. Fees shall be charged and collected prior to the issuance of a license.

- B. There shall be no fee for any license issued for any guide dog or hearing dog. Each copy of any license for such dogs shall be conspicuously marked “Guide Dog” or “Hearing Dog,” “Service Dog,” as is appropriate, by the Town Clerk.**
- C. In addition to any other applicable fee, any person applying for a dog license for a dog identified as unlicensed during an enumeration conducted pursuant to Article 7 of the Agriculture and Markets Law, shall pay an additional fee of five dollars (\$5.00). Such additional fee shall be the property of the Town of LaFayette and shall be used to pay the expenses incurred by the Town of LaFayette in conducting the enumeration. In the event the additional fees collected exceed the expenses incurred by the Town of LaFayette in conducting an enumeration in any year, such excess fees may be used by the Town of LaFayette for any other lawful purpose.**
- D. In accordance with Article 7 of the Agriculture and Markets Law, each applicant for a dog license shall pay a surcharge, which shall be remitted to the State Comptroller for deposit into the animal population control fund, of one dollar (\$1.00) if the dog to be licensed is spayed or neutered or a fee of three dollars (\$3.00) if the dog sought to be licensed is neither spayed or neutered.**
- E. On or before the fifth day of each month, the Town Clerk shall remit all license fees to the Town Supervisor.**

**Section 7. Identification of dogs.**

- A. Each dog licensed pursuant to this local law shall be assigned, at the time of first licensing, a permanent official identification number which shall be featured on an identification tag affixed to a collar on the dog at all times.**
- B. The official identification number shall constitute the official identification of the dog to which it is assigned, regardless of changes in ownership, and the number shall not be reassigned to any other dog during the lifetime of the dog to which it is assigned.**
- C. At the time a dog is first licensed, one identification tag shall be furnished to the owner at no charge. Should an official Town of LaFayette dog identification tag be lost, a new tag will be issued at a fee prescribed by the Town Board of the Town of LaFayette.**
- D. No tag carrying an official identification number shall be affixed to the collar of any dog other than the one to which that number is assigned.**
- E. The size, shape and form of imprints on identification tags shall be**

**prescribed by resolution of the Town Board of Town of LaFayette. Any tag bearing an imprint other than that prescribed shall not constitute valid identification for purposes of this local law.**

- F. Fees received pursuant to this Section shall be remitted by the Town Clerk to the Town Supervisor by the fifth day of each month.**

**Section 8. Change of ownership; lost or stolen dog.**

- A. In the event of a change in the ownership of any dog which has been assigned an official identification number by the Town Clerk, or a change in the address of the owner of record of any such dog, the owner of record shall, within ten (10) days of such change, file with the Town Clerk a written report of such change. Such owner or record shall be liable for any violation of this local law until such filing is made or until the dog is licensed in the name of the new owner.**
- B. If any dog which has been assigned an official identification number is lost or stolen, the owner of record shall, within ten (10) days of the discovery of such loss or theft, file with the Town Clerk, a written report of such loss or theft. In the case of a loss or theft, the owner of record of any such dog shall not be liable for any violation of this local law or Article 7 of the Agriculture and Markets Law committed after such report is filed.**
- C. In the case of a dog's death, the owner of record shall so notify the Town Clerk, in writing, either prior to renewal of licensure or upon the time of such renewal as set forth in Section 5 of this local law. Failure to so notify the Town Clerk shall constitute a violation and the owner of record shall be held liable.**

**Section 9. Restrictions.**

- A. It shall be unlawful for any owner of any dog to permit or allow such dog, whether licensed or not, in the Town of LaFayette to:**
- (1) Bark, whine or make other noise for a period of at least fifteen (15) minutes within any one-hour period, which barking, whining or other noise can be heard from a location outside of the owner's premises and would disturb a reasonable person of normal sensitivities;**
  - (2) cause damage or destruction to property, or commit a nuisance by defecating or urinating upon the premises of a person, other than the owner of such dog;**
  - (3) chase or otherwise harass any person in such a manner as reasonably to cause intimidation or to put such person in reasonable apprehension of bodily harm or injury; or**

- (4) **habitually chase, run along side of or bark at motor vehicles or bicycles; or**
  - (5) **run at-large on any property under the ownership or control of the Town of LaFayette.**
- B. **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.**
- C. **The fact that a dog is at-large shall be presumptive evidence that the owner permitted or allowed said dog to run at-large in violation of this local law.**

**Section 10. Enforcement.**

**This local law shall be enforced by any dog control officer, peace officer, when acting pursuant to special duties, or police officer in the employ of or under contract to the Town of LaFayette.**

**Section 11. Complaint.**

**Any person who observes a dog in violation of this local law may file a complaint under oath with the Justice of the Town of LaFayette specifying the nature of the violation, the date thereof, a description of the dog and the name and residence, if known, of the owner of the dog. Such complaint may serve as the basis for enforcing the provisions of this local law.**

**Section 12. Seizure of dogs; redemption periods; impoundment fees.**

- A. **Any dog found in violation of the provisions of this local law may be seized pursuant to Article 7 of the Agriculture and Markets Law.**
- B. **Every dog seized shall be properly cared for, sheltered, fed and watered during the redemption period set forth herein.**
- C. **The owner of any dog impounded by the Town of LaFayette shall be entitled to redeem that dog within five (5) business days, excluding the day the dog is impounded, from the day the dog is impounded, provided that the owner produces proof the dog is licensed and identified and pays a fee of ten dollars (\$10.00) for the first impoundment; a fee of twenty dollars (\$20.00) for the second impoundment; and a fee of thirty dollars (\$30.00) for the third and each subsequent impoundment.**
- D. **A fee of three dollars (\$3.00) for each additional twenty-four (24) hour period shall be assessed for the second, third, and each subsequent impoundment.**

- E. If the owner of any unredeemed dog is known, such owner shall be required to pay the impoundment fees set forth in Subsections C and D of this Section, whether or not such owner chooses to redeem his or her dog.**
- F. Any dog unredeemed at the expiration of the appropriate redemption period shall be made available for adoption or euthanized pursuant to the provisions of Article 7 of the Agriculture and Markets Law.**

**Section 13. Violations.**

- A. It shall be a violation, punishable as provided in Subsections B and D of this Section, for:
  - (1) any owner to fail to license any dog;**
  - (2) any owner to fail to have any dog identified as required by this local law;**
  - (3) any person to knowingly affix to any dog any false or improper identification tag or special identification tag;**
  - (4) any person to furnish any false or misleading information on any form required to be filed with the Town pursuant to the provisions of this local law or the rules and regulations promulgated thereto; and**
  - (5) any owner of a dog to fail to notify the Town of any change of ownership or address as required by Sections 5 and 8 of this local law.****
- B. The Town of LaFayette may elect to either prosecute any person who has committed any violation of Sections 5, 6, 7, and 8 of this local law such action as a violation under the Penal Law or commence an action to recover a civil penalty. A violation of this local law shall be punishable, subject to such an election, either:
  - (1) Where prosecuted pursuant to the Penal Law and served an appearance ticket, by a fine of not more than twenty-five dollars (\$25.00), except that
    - (a) Where the person was found to have violated this local law within the preceding five (5) years, the fine may not be more than fifty dollars (\$50.00), and**
    - (b) Where the person was found to have committed two (2) or more violations within the preceding five (5) years, it shall be punishable by a fine of not more than one hundred dollars******

**(\$100.00) or imprisonment for not more than fifteen (15) days, or both; or**

**(2) Where prosecuted as an action to recover a civil penalty, by a civil penalty of not more than twenty-five dollars (\$25.00), except that**

**(a) Where the person was found to have violated this local law within the preceding five (5) years, the civil penalty may not be more than fifty dollars (\$50.00), and**

**(b) Where the person was found to have committed two (2) or more such violations within the preceding five (5) years, the civil penalty may not be more than one hundred dollars (\$100.00).**

**C. Any person convicted of a violation of Section 9 of this local law shall be deemed to have committed a misdemeanor and shall be subject to a fine not exceeding \$250.00 or subject to imprisonment for a period not exceeding thirty (30) days.**

**D. Each day that failure continues shall constitute a separate violation.**

**Section 14. Separability.**

**Each separate provision of this local law shall be deemed independent of all other provisions herein, and if any provisions shall be deemed or declared invalid, all other provisions hereof shall remain valid and enforceable.”**

**Section 3. Effective Date.**

**This local law shall take effect on the first day of January 2011.**

**C. Short EAF for Proposed Local Law C-2010.**

**D. Other.**

**9. UNFINISHED BUSINESS & ACTIVE PROJECTS.**

**A. Cold War Veterans Exemption – Proposed Local Law 2-2010.**

**TOWN OF LAFAYETTE**

**RESOLUTION TOWN BOARD MEETING**

**November 8, 2010**

The following resolution was offered by Councilman Doolittle, who moved its adoption, seconded by Councilman McConnell, to wit:

WHEREAS, pursuant to the provisions of the Municipal Home Rule Law, a proposed local law entitled Local Law No. B of 2010, Amending Local Law 3-2009 relating to an Exemption from Real Property Taxes for Cold War Veterans as Authorized by Section 458-b of the New York State Real Property Tax Law in the Town of LaFayette, was presented and introduced at a regular meeting of the Town Board of the Town of LaFayette held on October 25, 2010 and

WHEREAS, a public hearing was held on such proposed local law on the 8th day of November, 2010 by the Town Board of the Town of LaFayette and proof of publication of notice of such public hearing, as required by law, having been submitted and filed, and all persons desiring to be heard in connection with said proposed local law having been heard, and said proposed local law having been in the possession of the members of the Town Board Town of LaFayette in its final form in the manner required by Section 20 of the Municipal Home Rule of the State of New York; and

WHEREAS, at its October 25, 2010 meeting, this Board determined that the enactment of this proposed local law is a Type II action for purposes of SEQR; and

WHEREAS, it is in the public interest to enact said Proposed Local Law No. B of 2010.

NOW, THEREFORE, it is

RESOLVED, that the Town Board of the Town of LaFayette, Onondaga County, New York, does hereby enact Proposed Local Law No. B of 2010 as Local Law No. 2 of 2010 as follows:

**TOWN OF LAFAYETTE  
LOCAL LAW NO. 2-2010**

**A Local Law Amending Local Law 3-2009 relating to an Exemption from Real Property Taxes for Cold War Veterans as Authorized by Section 458-B of the New York State Real Property Tax Law**

**BE IT ENACTED by the Town Board of the Town of LaFayette as follows:**

**Section 1.    Purpose.**

This Board enacted Local Law No. 3-2009, providing for a real property tax exemption from Town of LaFayette real property taxes for Cold War veterans, pursuant to New York State Real Property Law Section 458-b. Subsequently, Real Property Law Section 458-b was amended by Chapter 235 of the Laws of 2009. Section 458-b(2)(c)(iii), as amended, authorizes a town to enact a local law and increase the maximum exemption allowable in paragraphs (a) and (b) of said subdivision. It is the desire of this Town Board to amend its prior local law and increase the maximum allowable exemption in accordance with Real Property Law Section 458-b, as amended.

**Section 2.** Local Law No. 3-2009 is hereby amended to strike Section 3 in its entirety and to substitute the following language:

**“Section 3. Amount of Exemption Pursuant to Section 458-b of the New York State Real Property Tax Law, the maximum Cold War Veteran’s exemption from real property taxes is established as follows:**

**A. Qualifying Residential Real Property shall be exempt from taxation to the extent of 15% of the assessed value of such property; provided however, that such exemption shall not exceed thirty six thousand dollars (\$36,000.00) or the product of thirty six thousand dollars (\$36,000.00) multiplied by the Latest State Equalization Rate for the assessing unit, whichever is less.**

**B. In addition to the exemption provided by Subparagraph A of this Section, where the Cold War veteran received a compensation rating from the United States Veterans Affairs or from the United States Department of Defense because of a service connected disability, Qualifying Residential Real Property shall be exempt from taxation to the extent of the product of the assessed value of such property, multiplied by 50% of the Cold War veteran disability rating; provided, however, that such exemption shall not exceed one hundred twenty thousand dollars (\$120,000.00), or the product of one hundred twenty thousand dollars (\$120,000.00) multiplied by the Latest State Equalization Rate for the assessing unit, whichever is less.”**

**Section 3.** Local Law 3-2009 shall remain in full force and effect except to the extent it is modified by the instant local law.

**Section 4.** This local law shall take effect upon filing pursuant to the provisions of the New York State Municipal Home Rule Law.

The question of the adoption of the foregoing resolution was duly put to a vote and upon roll call, the vote was as follows:

Gerry Doolittle	Councilman	Voted	Yes
Andrew Ohstrom	Councilman	Voted	Yes
William McConnell	Councilman	Voted	Yes
David Knapp	Councilman	Voted	Absent
Adrian Shute	Supervisor	Voted	Yes

The foregoing Resolution was thereupon declared duly adopted.

## 10. NEW BUSINESS.

### A. Other.

The Board discussed the earlier energy proposal. The Board determined they are not interested at this time.

## 11. Suggestions for improvement and positive contributions.

12. **Executive session (if needed).** Not needed.

13. **Councilmen McConnell moved and Doolittle seconded the motion to audit and pay the following bills:**

<b>HIGHWAY FUND</b>	<b>#6714 - 6727</b>
<b>GENERAL FUND</b>	<b>#6728 – 6761</b>
<b>SPECIAL DISTRICT FUND</b>	<b>#6762</b>

**Motion carried.**

14. **Councilmen McConnell moved and Ohstrom seconded the motion to adjourn. Motion carried.**

The Town Board Meeting adjourned at 8:04 p.m.

Respectfully submitted,

Mary Jo Kelly  
Town Clerk

Adopted 11/22/10