

Minutes of the Town Board Meeting/Public Hearing held by the LaFayette Town Board on December 13, 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  
David Knapp, Councilman  
Andrew Ohstrom, Councilman  
Gerry Doolittle, Councilman (Arrived 6:45 p.m.)

Absent: William McConnell, Councilman

Recording Secretary: Mary Jo Kelly, Town Clerk

Others Present: Kevin Gilligan, Town Attorney  
Tom Chartrand, Bookkeeper

1. Supervisor Shute called the meeting to order at 6:39 p.m.
2. The Town Clerk took the Roll. Councilmen McConnell and Doolittle absent, all else present.
3. Pledge to our U. S. Flag led by Town Councilor David Knapp.
4. **Councilmen Knapp moved and Ohstrom seconded the motion to accept the November 22, 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 Knapp</b>	<b>Voted</b>	<b>Yes</b>
<b>Councilman Ohstrom</b>	<b>Voted</b>	<b>Yes</b>

**Motion carried.**

5. **PUBLIC HEARINGS. Public Hearing continued for Local Law C-2010- A Local Law to Impose Restrictions upon the Keeping of Dogs within the Town of LaFayette as previously amended and to enact a new local law titled “The Regulations of Dogs in the Town of LaFayette.”**

Supervisor Shute said this Public Hearing was held open from the last meeting for a couple of changes to be made.

Kevin Gilligan said the number of years a dog can be licensed was changed to be up to 3 years and the purebred license was put in.

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

**Councilmen Knapp moved and Ohstrom seconded the motion to close the Public Hearing. Motion passed.**

6. **COMMUNICATIONS.**

A. **Residents.**

**B. Letter from Sugarman Law Firm re: Raffle Consent.**

Kevin Gilligan said you have a provision in your town laws which seems to require the same things as the state license. He said the Board just needs to approve the license they are asking for.

Councilman Doolittle arrived 6:45 p.m.

**Councilmen Doolittle moved and Ohstrom seconded the motion approving the Raffle Consent Form from the Make-a-Wish Foundation of Central New York and to authorize the Town Clerk to sign the document. Motion carried.**

**C. Art Goldsmith – Maple Wood Cemetery request for help with maintenance.**

Mary Jo said Art Goldsmith stopped in and asked if the Town might be willing to help them with the maintenance of Maple Wood Cemetery. He said a law was passed that would allow the Town to help them. There are some trees and brush that need to be taken down and some gravel needs to be brought in for a culvert.

Councilman Ohstrom suggested the Big Picture Program help with this.

Councilman Knapp said that was a good idea. He was in favor of helping them if there's something we can do.

Supervisor Shute will write him a letter.

Councilman Knapp said the letter could say to let us know on a case by case basis and we will do everything we can do help.

Kevin Gilligan said this law applies to a public cemetery corporation.

Councilman Knapp said he is on the Board for the Big Picture Program and will bring this up at the next meeting.

**D. Barbara Boyd would like to know if animals are addressed in the Towns Emergency Plan. Federal Law was passed addressing this issue.**

Mary Jo said Barbara Boyd stopped into the office to see if the Town addressed pets in their Emergency Plan. She said there was a federal law recently passed that said pets must be addressed.

Kevin Gilligan said this hasn't come up anywhere yet.

The Board feels there is no need for action at this time.

**E. Quote from Murray's Heating for maintenance of heat pump systems for 2011.**

Two quotes were received for a 2011 Mechanical Service Agreement for the Town Offices and Library. Murray Heating quoted \$1,424 and Upstate Temperature Control quoted \$1,115.

Kevin Gilligan would recommend putting the Incidental Contract with this.

**Councilmen Knapp moved and Ohstrom seconded the motion to accept the 2011 Mechanical Service Agreement and to authorize the Supervisor to sign the Agreement. Motion carried.**

**F. CNYSPCA Animal Contract for 2011.**

**Councilmen Knapp moved and Ohstrom seconded the Motion to accept the**

**CNYSPCA Animal Contract for 2011 and to authorize the Supervisor to sign the contract. Motion passed.**

**G. Patient Protection and Affordability Care Act (Health Care Reform).**

Councilman Ohstrom said these are the amendments to the health care laws that have been passed. It's things they have added to our health care plan to be in compliance with the law.

**H. Other.**

Supervisor Shute said Maureen Perrin and Eva Palmer have requested to attend the Association of Towns School as they do every year. We have always fronted them \$700 for expenses and they are requesting to do this again.

Councilman Knapp said it fulfills their training requirements.

**Councilmen Knapp moved and Ohstrom seconded the Motion to approve Maureen Perrin and Eva Palmer to attend the Association of Towns Annual Training and for the Town to front them \$700 each for expenses. Motion passed.**

**Councilmen Knapp moved and Ohstrom seconded the Motion to appoint Gerry Doolittle as the official Delegate for the Town to attend the Association of Towns Training and Meeting and to advance him \$700 for expenses. Motion carried.**

Councilman Doolittle asked if something should come up, can someone else attend in his place?

It was noted if someone else wanted to attend in his place, they could.

**7. SPECIAL REPORTS.**

**8. REPORTS.**

**A. Departmental**

**1. Assessors**

Councilman Ohstrom reviewed the job description he passed out to the Town Board at the last meeting as well as the Deputy Assessor.

Tom Chartrand said we need to establish the position with Civil Service before we can appoint someone to the office. There is a form that needs to be submitted that Supervisor Shute will have to sign.

Discussion took place regarding the hours of the position.

**Councilmen Doolittle moved and Ohstrom seconded the Motion to create a position of a Town Board appointed part-time Assessor position to take effect 1/1/2011 through 9/30/2011 and to authorize the Supervisor to sign the necessary paperwork. Motion carried.**

**Councilmen Doolittle moved and Ohstrom seconded the Motion to create a position of a Town Board appointed part-time Deputy Assessor position to take effect 1/1/2011 through 12/31/2011 and to authorize the Supervisor to sign the necessary paperwork. Motion carried.**

**Councilmen Doolittle moved and Ohstrom seconded the Motion to appoint Shawn Adam to the part-time Assessor position for a term beginning 1/1/2011 through 9/30/2011 pending approval of the position by Civil Service Motion carried.**

**Councilmen Doolittle moved and Ohstrom seconded the Motion to appoint William Turner to the part-time Deputy Assessor position pending approval of the position by Civil Service for a term beginning 1/1/2011 through 12/31/2011. Motion carried.**

Councilman Ohstrom noted the job descriptions will be given out to anyone who wishes to see them.

2. **Building & Zoning Code Enforcement**
  - a) A written report was submitted.
3. **Dog Control**
4. **Highway Superintendent**
  - a) A written report was submitted.

Councilman Knapp said several people have mentioned how impressed they are with how good the Town Highway Dept. kept the roads.

Supervisor Shute said he received a complaint about flooding on Webb Rd. A farmer did put in some drainage tiles so every time it rains there's too much water going into the pipe under the road and it floods the road. John Greeley has called the County D.O.T. and will keep up with this.

Kevin Gilligan would recommend sending a letter to the County Clerk and to the head of the County Highway Dept. for the record.

Supervisor Shute will send the letter.

5. **Justice Court**
  - a) **Justice Knapp Court Records 2010**
  - b) **Justice Perrin Court Records 2010**

**Councilmen Knapp moved and Ohstrom seconded the Motion that the Town Justice records from January 2010 through September 2010 have been audited by the Town Board. Motion carried.**

- c) A written Justice Report for November was submitted.
6. **Library Director**
7. **Recreation Director**
8. **Ropes Course**
9. **Tax Collector**
  - a) **January tax bill letter**

10. **Town Clerk**

- a) A written report for November was submitted.

11. **Town Supervisor**

- a) A written report for November was submitted.

Tom Chartrand said we are in good shape.

**Councilmen Knapp moved and Ohstrom seconded the Motion to authorize the Supervisor to make any of the end-of-the-year transfers that are needed. Motion carried.**

**Councilmen Knapp moved and Doolittle seconded the Motion to pay a stipend of \$30 a month for the cell phone number given on the Highway Dept. answering machine as the Emergency Contact Number. Motion carried.**

**B. Committee.**

1) **Community Development.**

Supervisor Shute said they had a meeting of the Steering Committee. There's going to be more meetings coming up.

2) **Emergency Response.**

a) **Disaster Preparedness Plan needs updating.**

Councilman Ohstrom would recommend updating the Board positions. He would recommend getting rid of everyone's name and just put the contact phone number. If it's a number for a person of an organization's name, get rid of the organization.

Mary Jo will work on this and send it to the Emergency Response Committee for review. Councilman Ohstrom would recommend deleting the tent section too.

3) **Employee Policies & Benefits.**

a) **Proposed amended Employees Handbook.**

Councilman Ohstrom reviewed the proposed amendments to the handbook. Councilman Doolittle said on page 42 he thinks under the section reading the Buddy System, it should read alone rather than along.

**Councilmen Doolittle moved and Knapp seconded the Motion to approve the Employee Handbook as amended. Motion carried.**

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

5) **Highway**

Supervisor Shute said John Greeley gave him the paperwork for the grant. This could make everything happen. The man from Olympus has been calling him. This is federal money that would pay for 75% of a new building and all the costs associated with it.

Councilman Knapp asked if there is a timeline for the grant to be submitted. Supervisor Shute said no.

Councilman Knapp asked how shovel-ready we need to be.

Supervisor Shute said he talked to John Greeley about this. It will have to be much more of a plan than what we have now.

Councilman Knapp said we will have to have a Highway Committee meeting. He thinks a formal committee should be formed for this.

**6) Physical Plant**

Councilman Doolittle said he bought material for the back door at the Community Center to keep the heat from getting out. He thinks it might be good to conserve the heat by having Phil DeSaw put plastic on the inside of the windows.

The Board was in favor of this.

Supervisor Shute said we have had Phil DeSaw do the shoveling and during the winter months he is gone. He had a call regarding a 19 year old doing the shoveling at the Town Offices, Library and Community Center.

Councilman Doolittle recommended telling him to do it as needed and submit his hours.

Supervisor Shute will try to find out more about this.

Councilman Doolittle asked about a reserve fund in case we need a new roof, etc.

The Board agreed to look into this for the future.

**7) Recreation & Youth**

Supervisor Shute said the 5<sup>th</sup> grade boys basketball is doing exceptionally well.

**8) Safety.**

**9) School District Liaisons.**

Supervisor Shute was invited to the Big Picture Open House which was snowed out.

**10) Service Awards.**

**11) SOTS & OCRRA Liaison.**

**12) SPDES**

**9. LITIGATION & OTHER LEGAL MATTERS.**

**A. Other.**

Supervisor Shute noted there was information on Tim Thorpe and Sheila Kelley.

Kevin Gilligan said regarding Kelley, apparently they are back operating out of the barn again and there were some complaints. He doesn't know anything about Thorpe. There has been no further action on the dog bite.

Supervisor Shute asked about the Grove.

Kevin Gilligan said they got their preliminary approval and are going for their final approval next week.

Councilman Knapp asked about the right-of-way issue.

Kevin Gilligan said he keeps telling the residents to resolve this before next Tuesday.

**10. UNFINISHED BUSINESS & ACTIVE PROJECTS.**

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

**TOWN OF LAFAYETTE**

**RESOLUTION TOWN BOARD MEETING**

**December 13, 2010**

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

WHEREAS, pursuant to the provisions of the Municipal Home Rule Law, a proposed local law entitled Local Law No. C of 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”, was presented and introduced at a regular meeting of the Town Board of the Town of LaFayette held on November 8, 2010 and

WHEREAS, a public hearing was held on such proposed local law on the 22nd 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 the public hearing held on November 22, 2010, the Town Board determined that it was necessary to modify proposed Local Law C-2010 and continue the public hearing to December 13, 2010 and the continued public hearing was held on such proposed local law on the 13<sup>th</sup> day of December, 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 November 8, 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. C 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. C of 2010 as Local Law No. 3 of 2010 as follows:

**TOWN OF LAFAYETTE  
LOCAL LAW NO. 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 I.**

**So that 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 II.**

**And so that a new local law, titled “The Regulation of Dogs in the Town of LaFayette,” shall be enacted, 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 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.

- (3) 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.**
- (4) 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.**
- (5) No license shall be transferable. Upon the transfer of ownership of any dog, the new owner shall immediately make application for a new license.**
- (6) Licenses shall be issued for a period of one year and shall expire on the last day of the month one year from the date of issue, unless the owner presents a certificate of rabies vaccination for a duration longer than a one year period. In such cases, the owner may elect to have the license expire on the last day of the month the license was obtained in the same year as the rabies vaccination expires. Under no circumstances, however, may a license exceed a three (3) year period. Multiple year licenses shall be charged a fee for each year of the license term. 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.**

**D. Purebred licenses.**

- (1) In lieu of or in addition to the individual license required by this local law, the owner of one or more purebred dogs registered by a recognized registry association may annually apply to the Town Clerk for a purebred license. A purebred license shall be valid for a period of one year, commencing on the first day of the month following the date of issuance, and shall be renewable annually thereafter prior to the expiration date.
- (2) The application shall state the sex, age, breed, registry name and number of each purebred registered dog over the age of four (4) months which is harbored on the premises, the sex and breed of each purebred dog over the age of four (4) months which is harbored on the premises and eligible for registration and the name, address and telephone number of the owner. The application shall include a statement by the owner that all purebred dogs over the age of four (4) months which are harbored on the premises have been listed.
- (3) The application shall be accompanied by the license fee, as set forth in Section 6 of this local law.
- (4) Upon receipt of the foregoing items, the Town Clerk shall assign a license number, which shall be reserved for the sole use of the named owner, and shall issue a purebred license, a copy of which shall be provided to the owner. Purebred license fees shall not be prorated or waived. No purebred license fee is refundable, or partially refundable, in the even the dog is lost, stolen, sold, given away, surrendered or deceased before the expiration of the license.
- (5) No purebred license shall be transferrable. Upon change of ownership of any dog licensed under a purebred license, such dog shall become subject to the licensing provisions of Subdivision 5.

**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. **Dogs seized pursuant to this Local Law may be redeemed by producing proof of licensing and identification and by paying fees as set from time to time by resolution of the Town Board.**
- D. **If the owner of any unredeemed dog is known, such owner shall be required to pay the impoundment fees set forth in Subsection C this Section, 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 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 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 III. Effective Date.**

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

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	Excused
David Knapp	Councilman	Voted	Yes
Adrian Shute	Supervisor	Voted	Yes

The foregoing Resolution was thereupon declared duly adopted.

**B. Dog Licensing Fees, Impoundment Fees and Replacement Tag Fees.**

Mary Jo submitted information on the dog licensing fees. APC stands for Animal Population Control Program.

**Councilman Knapp moved and Councilman Doolittle seconded the Motion to adopt the following Dog Licensing Fees, Replacement Tag Fees and Impoundment Fees:**

\$5.00	Neutered/Spayed Dogs	(includes \$1.00 to APC)
\$13.00	Unneutered/unsprayed Dogs	(includes \$3.00 to APC)
\$50.00	Purebred License	(includes \$1.00 to APC per each neutered/spayed dog) (Add additional \$3.00 per dog for each unneutered/unsprayed dog for APC)

**\$3.00 Replacement Tag**

**\$150.00 Impoundment Fee**  
**Motion carried.**

11. **NEW BUSINESS.**

12. Suggestions for improvement and positive contributions.

13. **Councilmen Knapp moved and Ohstrom seconded the Motion for the Town Board to go into Executive Session to discuss a personnel matter and to include the Town Attorney. Motion carried.**

The Town Board went into Executive Session at 8:15 and Supervisor Shute called the Town Board Meeting back to order at 8:54 p.m.

14. **Councilmen Doolittle moved and Ohstrom seconded the Motion to audit and pay the following bills:**

<b>HIGHWAY FUND</b>	<b>#6904 - 6917</b>
<b>GENERAL FUND</b>	<b>#6918 – 6968</b>
<b>SPECIAL DISTRICT FUND</b>	<b>#6969</b>
<b>TRUST &amp; AGENCY FUND</b>	<b>#6970 – 6971</b>

**Motion passed.**

15. **Councilmen Ohstrom moved and Knapp seconded the Motion to adjourn. Motion carried.**

The Town Board Meeting adjourned at 8:57 p.m.

Respectfully submitted,

Mary Jo Kelly  
Town Clerk

Adopted 1/10/11