

Caroline Town Board Meeting Minutes of November 9, 2010

The Town Board meeting held on 11/09/10 at the Caroline Town Hall was called to order at 7:00 p.m. by Supervisor Don Barber.

Attendance:

Don Barber, Supervisor
Dominic Frongillo, Councilman
Linda Adams, Councilwoman
Toby McDonald, Councilman
Pete Hoyt, Councilman

Cindy Whittaker, Highway Superintendent, Daniel, High School student, John Reed

Recording

Secretary: Jo Ann Reinhardt, Deputy Clerk

Also present: John Reed, Cindy Whitaker, Highway Superintendent, High School student Daniel

Privilege of the Floor:

Proposed Local Law # for the Year 2010

Licensing and Control of Dogs in the Town of Caroline – since NYS Ag and Markets are no longer doing dog licensing as of January 1, 2011, local municipalities will be required to do the licensing. The town of Caroline will hold a public hearing about the changes and the proposed local law that the town is required to enact. The Town of Caroline already have a dog control law so we do not need to add that into the licensing law. The Town Attorney Guy Krogh has looked the law over and has made some minor changes. The Board discussed the necessity of purebred licensing and are removing it from the licensing law. The board went through the proposed law and made some minor changes

Retirement Party for Scott Whittaker from the Highway Department- To be held November 19th, 2010 between 3p.m. -5p.m. at the Brooktondale Fire Department.

Adopt 2011 Budget- the Town board voted to pass the budget- see resolution 11-09 of 2010

Energy Independent Caroline -John Reed gave an updated report to the board on the energy and heating (solar) movement. He will present the finished report to the Town Board and make it available to the public. The group will be sending out a letter to see if they can get a larger pool of people to serve in the community. Mr. Barber stated that John had put together a spread sheet for the electric and gas that covers both the Caroline Town historic and annex building. This will also show the energy movement with the solar energy.

Reports

Cindy Whittaker, Highway Superintendent's Report

Put handicap signs and employee parking signs at the historic town hall and the town hall annex building at the request of the Town Clerk.

NYS DOT is requiring permits on all town trucks that are loaded and traveling on State roads. (see attachment #1 for full highway report). The DEC, DOT and Department of labor have many regulations. All part-time people who will work for the Town will have to have drug testing before they can start.

Don Barber, Supervisors Report

Supplying paperwork for NYSERDA Energy Conservation grant past milestone #1, current paper work will get us past milestone #2 and we can begin work. TC Action will start in 2 weeks from NTP Steve Nicholson is the contact person on highway renovation.

1. Spending time on Budget

- 2. Valley Road Stream bank Stabilization is completed.

Correspondence of Note:

3rd Quarter Financial report from Tompkins County – sales tax inc 3.37% last quarter, Caroline Mortgage Tax total for 2010 = \$56, 689.

Frank Proto, County Representatives Report

absent

Toby McDonald, Town Board

No report

Pete Hoyt, Town Board

No report

Dominic Frongillo, Town Board

No report

Linda Adams, Town Board

Water shed committee will meet to discuss the approved resolution of the Caroline Town Board expressing opposition to the Chesapeake Bay Total Maximum Daily Load (TMDL) regulatory proposal by the United States Environmental Protection Agency (EPA) at the next meeting. The feedback from the Watershed committee was pleased with the resolution. Soil and Water were happy that we were a town ship that actually submitted a resolution as other only submitted comments.

Transfers

Resolution 11-07 of 2010

Motion by Don Barber; Seconded by Dominic Frongillo

Resolved, the Caroline Town Board hereby authorizes the Supervisor to transfer 2010 funds as follows:

\$ 1000.00 from General Fund Account A 1110.41 jury trial CE to
General Fund Account A 1110.4 Court CE

\$ 277.70 from General Fund Account A1420.415 Bond Counsel CE to
General Fund Account A1420.4 Legal CE

\$ 2,000.00 from General Fund Account A 1990.4 Contingency CE to
General Fund Account A 1420.4 Legal CE

\$ 1,000.00 from General Fund Account A 1620.12 Town Hall PS to
General Fund Account A 1620.4 Town Hall CE

\$ 1,000.00 from General Fund Account A 1620.42 Annex CE to
General Fund Account A 1620.4 Town Hall CE

\$ 500.00 from General Fund Account A 3510.4 Dog Control CE to
General Fund Account A 1670.4 Print and Mail CE

\$ 17,036.00 from Highway Fund Revenue Account DA 232 to
Highway Fund Account DA 5112.4 Capital Improvement CE

\$ 177.63 from Highway Fund Account DA 5110.4 Repairs CE to
Highway Fund Account DA 5112.4 Capital Improvement CE

And Be It Further Resolved that the Caroline Town Board make the following Budget adjustment:

Increase General Fund Revenue Line A 3820 Youth by \$2,300.00 and Increase General Fund Account A 7310.4 by \$2,300.00.

Adopted Barber: Aye; Frongillo: Aye; Adams: Aye; McDonald: Aye; Hoyt: Aye

Approval of Abstracts

Resolution 11-08 of 2010

General Fund Abstract

A motion was made by Don Barber and seconded by Linda Adams to approve payment for the General Fund voucher numbers 381 through 416 in the amount of \$20,271.45.

Adopted Barber: Aye; Frongillo: Aye; Adams: Aye; McDonald: Aye; Hoyt: Aye

Resolution 11-09 of 2010

Highway Fund Abstract

A motion was made by Don Barber and seconded by Dominic Frongillo to approve payment for the Highway Fund voucher numbers 195 through 221 in the amount of \$73,696.45.

Adopted Barber: Aye; Frongillo: Aye; Adams: Aye; McDonald: Aye; Hoyt: Aye

Resolution 11-10 of 2010

Streetlight Fund Abstract

A motion was made by Donald Barber and seconded by Toby McDonald to approve payment for the Streetlight Fund voucher number 21 and 22 in the amount of \$531.60.

Adopted Barber: Aye; Frongillo: Aye; Adams: Aye; McDonald: Aye; Hoyt: Aye

Approval of Minutes

Resolution 11-11 of 2010

Minutes of Budget Meeting

A motion was made by Peter Hoyt and seconded by Dominic Frongillo to accept the minutes of 10/26/10 as submitted by the deputy town clerk.

Adopted Barber: Aye; Frongillo: Aye; Adams: Aye; McDonald: Aye; Hoyt: Aye

Resolutions

Resolution 11-12 of 2010

Adoption the 2011 Preliminary Budget

By Don Barber; Seconded by Toby McDonald

Resolved, the Caroline Town board voted to adopt of the Preliminary budget of 2011.

Adopted Barber: Aye; Frongillo: Aye; Adams: Aye; McDonald: Aye; Hoyt: Aye

Resolution 11-13 of 2010

Adoption of Local Law; the Classification of Level Green Road as a Minimum Maintenance Road.

By Donald Barber; Seconded by Peter Hoyt

Resolved, The Caroline Town Board voted to adopt local law #3; the Classification of Roads as a Minimum Maintenance Road; All that section commencing 176 feet from Seventy-Six Road and continuing 4370 feet North on Level Green Road.

Adopted Barber: Aye; Frongillo: Aye; Adams: Aye; McDonald: Aye; Hoyt: Aye

TOWN OF CAROLINE LOCAL LAW # 3 of 2010

Classification of Roads as Minimum Maintenance Roads

Section 1.

The purpose of this local law is to designate a section of a certain volume road, hereafter specified in Section 2, to be minimum maintenance roads pursuant to Local law No. 2 of 1996 of the Town of Caroline.

Section 2- Specific Roads or Sections of Roads Affected

All that section commencing 176 feet from Seventy-Six Road and continuing 4370 feet North on Level Green Road.

Section 3- Minimum Maintenance Practices

Minimum maintenance roads shall be maintained in a manner determined by the town highway superintendent to be consistent with the volume and type of traffic traveling on such a road. Normal road maintenance practices are set forth in Section 10 of Local Law No. 2 of 1996 of the Town of Caroline.

Section 4- Discontinuance of Minimum Maintenance Designation

Any person or persons owning or occupying real property abutting a road or portion thereof which has been designated a minimum maintenance road may petition the town board to discontinue the designation of such a road or portion thereof as a minimum maintenance road pursuant to Section 8 of Local law No. 2 of 1996 of the Town of Caroline.

The Town board may adopt a local law discontinuing such minimum maintenance road designation in event it determines such discontinuance to be in a public interest.

Section 5- Effective Date

This law shall take effect immediately upon filing in the office of the Secretary of State upon posting of appropriate signage conforming to the Manual of Uniform Traffic Control pursuant to Section 11 of Local No. 2 of 1996 of the Town of Caroline.

Resolution 11-14 of 2010 Set a Public Hearing Date for Dog Licensing Law

By Donald Barber; Seconded by Dominic Frongillo

Resolved, The Caroline Town Board has set a Public Hearing date to hear any and all comments on the proposed dog licensing local law to be held on December 7, 2010 at 7:00 P.M.

Adopted Barber: Aye; Frongillo: Aye; Adams: Aye; McDonald: Aye; Hoyt: Aye

**Proposed Local Law #__ for the Year 2010
Licensing of Dogs in the Town of Caroline**

Section 1. Title. The title of this Local Law shall be "Licensing of Dogs in the Town of Caroline."

Section 2. Authority. This Local Law is adopted pursuant to Chapter 59, Part T of the Laws of 2010, Article 7 of the Agriculture and Markets Law of the State of New York, and pursuant to the authority granted by § 10 of the Statute of Local Governments and § 10 of the Municipal Home Rule Law.

Section 3. Purpose. The purpose of this Local Law is to provide for: the licensing and identification of dogs and the public health protection of most mammal species, including humans, from rabies.

Section 4. Application.

- A. This Local Law shall apply to all areas of the Town of Caroline
- B. In the event that any dog is harbored within the Town for a period of 30 days or less such dog shall be exempt from the identification and licensing provisions of this Local Law, provided such dog is licensed pursuant to the provisions of law of the area of the owner's residence.
- C. This Local Law shall not apply to any dog confined to the premises of any public or private hospital devoted solely to the treatment of sick animals, or confined to an animal shelter devoted to the impounding and caring of animals.

Section 5. Definitions. All terms not specifically defined herein shall have the meaning assigned to such terms within § 108 of the Agriculture and Markets Law of the State of New

York. As used in this Local Law, the following words shall have the following respective meanings:

- A. "Altered" shall refer to a dog that has been spayed or neutered.
- B. "At large" means an unleashed dog not under control of the owner and off the premises of the owner. For the purpose of leased premises, "premises of the owner" shall refer to such leased premises and all common areas thereof.
- C. "Farm animal", as used in this Local Law, means any ungulate, poultry, species of cattle, sheep, swine, goats, llamas, horses or fur-bearing animals, as defined in New York State Environmental Conservation Law, which are raised for commercial or subsistence purposes. Fur-bearing animal shall not include dogs or cats.
- D. "Identification tag" means a tag issued by the Town of Caroline or other licensing municipality which sets forth an identification number, together with the name of the municipality, the State of New York, contact information, including telephone number for the municipality, and such other information as the Town Board deems appropriate.
- E. "New York State Agriculture and Markets Law" means the Agriculture and Markets Law of the State of New York in effect as of January 1, 2011, including as thereafter amended or re-codified.
- F. "Owner" means any person who harbors or keeps any dog.
- G. "Resident" means any person who maintains a residence within the Town of Caroline, County of Tompkins, State of New York.
- H. "Town" means the area within the corporate limits of the Town of Caroline.
- I. "Town Board" means the Town of Caroline Board.
- J. "Town Clerk" means the Caroline Town Clerk.
- K. "Unaltered" shall refer to any dog that is not spayed or neutered.

Section 6. Licensing.

A. Application for Original License.

1. The Owner of any dog reaching the age of four months shall immediately make application to the Town Clerk for a dog license on a form provided by the Town Clerk's Office. No license shall be required for any dog which is under the age of four months and which is not at large.
2. In the case of a dog being redeemed or adopted from a shelter or pound, the Town Board by resolution, and the manager of the facility, shall establish a licensing procedure that is agreeable and beneficial to both the Town of Caroline and the

shelter or pound.

- B. Rabies Vaccination Required.** All applications for a dog license shall be accompanied by a valid rabies certificate signed by a licensed veterinarian or, in lieu thereof, a statement certified by a licensed veterinarian stating that the dog is too young to be vaccinated, or that, because of old age or another reason, the life of the dog would be endangered by administration of the vaccine. A copy of the rabies certificate or such certified statement shall be provided and attached to the Clerk's copy of the application. In the case of a dog being redeemed or adopted from a shelter, copies of such documents shall be forwarded to the Town Clerk. Such records shall be kept on file by the Town Clerk and be made available to law enforcement and public health officials, upon request, for rabies and other animal disease control efforts.
- C. Spay/Neuter Certificates.** In the case of a spayed or neutered dog, every application shall also be accompanied by a certificate signed by a licensed veterinarian or an affidavit signed by the owner, showing that the dog has been spayed or neutered. In lieu of the spay or neuter certificate an owner may present a statement certified by a licensed veterinarian stating that he has examined the dog and found that because of old age, or other reason, the life of the dog would be endangered by spaying or neutering. In such case, the license fee for the dog shall be the same as for a spayed or neutered dog as set forth in sub-part F of this Section.
- D. Expiration of License.** An original license shall be issued for a minimum period of one year and a maximum period of three years (up until the expiration of the current rabies vaccination certificate), and all license terms shall expire upon the last day of the month of the period for which it was issued.
- E. License Renewal.**
1. License renewal forms shall be mailed by the Town Clerk.
 2. A new rabies certificate shall be required if the one on record has either expired or if it expires within 30 days of the date of renewal. An in-lieu-of statement as described in sub-part B of this Section may be substituted for a rabies certificate. New rabies certificates and statements shall be copied and attached to the Town Clerk's copy of the form.
 3. A spay/neuter certificate shall not be required if one is already on file with the Town Clerk. In a case where the dog has been altered since the issuance of the original license the certificate shall be presented to the Town Clerk in order to receive the reduced fee for an altered dog. The Town Clerk shall make a copy of the certificate and attach it to the original license on file.
 4. Upon renewal the Town Clerk shall provide a validated license to the owner. The Clerk's copy shall be kept on file in accordance with the Records Retention and Disposition Schedule MU-1 issued by the New York State Archives and Records Administration.

F. License Fees.

1. All applications for original licenses or renewals shall be accompanied by a fee established by resolution of the Caroline Town Board. The total fee for an unaltered dog shall be at least 5 dollars more than the total fee for an altered dog.
2. In addition to the fees set by the Town Board, an assessment of \$3.00 for each unaltered dog and \$1.00 for each altered dog shall be charged for the purpose of carrying out population control efforts as mandated by Article 7 of New York State Agriculture and Markets Law. This fee will either be transferred to a Tompkins County Spay-Neuter program or to a statewide Spay-Neuter program
3. No license fees are refundable or partially refundable in the event that a dog is lost, stolen, sold, given away, surrendered or deceased before the expiration of the license.
4. An additional fee may be established by resolution of the Caroline Town Board should a dog be identified as unlicensed during an enumeration. Failure to pay such fee shall be deemed a violation of this Local Law. Such additional fee shall be the property of the Town of Caroline and shall be used to pay the expenses incurred while conducting the enumeration. In the event the additional fees collected exceed the expenses incurred, such excess fees may be used for enforcing this Local Law.

G. Exemptions to License Fees. Owners seeking Licenses for any guide dog, hearing dog, service dog, war dog, working search dog, detection dog, police work dog or therapy dog shall provide documentation showing the dog being licensed is certified in one of these categories. This dog license will be exempt from license fees and such documentation will be required for each license renewal. Each copy of any license for such dogs shall be conspicuously marked "Guide Dog", "Hearing Dog", "Service Dog", "Working Search Dog", "War Dog", "Detection Dog", "Police Work Dog", or "Therapy Dog".

H. Identification of dogs.

1. When a dog is originally licensed, a Town of Caroline identification number will assigned and an identification tag shall be issued which shall be worn by the dog at all times.
2. No identification tag shall be affixed to the collar of any dog other than the one to which it was assigned.
3. Any guide dog, hearing dog, service dog, working search dog, war dog, detection dog, police work dog, or therapy dog may wear a special tag for identifying such dog, provided that such tag shall be in addition to the identification tag required by the Town. Such tag shall be a different color, shape and imprint from the Town identification tag and may be provided by the Town at the expense of the owner.

4. Lost tags shall be replaced at the expense of the owner at a fee set by the Caroline Town Board.

I. Change of Address.-In the event of a change of address of the owner of record of any such dog, the owner of record shall, within ten days of such change, notify the Town Clerk.

J. Change of Ownership. In the event of a change in the ownership of any dog licensed in the Town of Caroline, the new owner shall immediately make application for a license for such dog

K. Deceased Dog. If any dog licensed in the Town of Caroline is lost, stolen or deceased, the owner of record shall notify the Town Clerk's Office within ten days of the discovery of such loss, theft or death. In the case of a dog's death, the owner of record shall so notify the Town Clerk either prior to renewal of license or at the time of such renewal.

L. Lists of Licensed Dog Owners. No dog licensing records, information, or lists shall be made available to any person for commercial purposes.

Section 7. Enforcement/Appearance Ticket. Any Dog Control or Police Officer, or other person or persons who are or may be lawfully authorized by the Town, shall administer and enforce the provisions of this Local Law, and for such purpose such persons shall have the authority to issue civil summonses.

Section 8. Violations and Penalties. Any person convicted of a violation of this Local Law shall be liable for a civil penalty of Twenty-five Dollars (\$25.00) for a first violation; of Fifty Dollars (\$50.00) for a second violation and Seventy-five Dollars (\$75.00) for each subsequent violation. All other provisions and requirements of the New York State Agriculture and Markets Law are and remain separately enforceable under New York State law, and nothing in this local law purports to limit the enforceability of New York State law. The rights and remedies of enforcement set forth in this local law are in addition to, and not in lieu of, any other right or remedy of the Town of Caroline relative to dog licensing and control, whether arising by law or in equity.

Section 9. Disposition of Fines. Notwithstanding any other provision of law, all money collected as fines or penalties by the Town of Caroline in the enforcement of this Local Law, the enforcement of Article 7 of New York State Agriculture and Markets Law, and all bail forfeitures by persons charged with such violations, shall be the property of the Town of Caroline and shall be paid to the financial officer of such municipality (unless otherwise required the Penal Law, the Criminal Procedure Law, or other law or regulation of the State of New York). Such money shall be used solely for controlling dogs and enforcing this Local Law. Said revenue may also be used to subsidize the spaying or neutering of dogs, any facility as authorized under Article 7 of New York State Agriculture and Markets Law, and for subsidizing public humane education programs in responsible dog ownership.

Section 10. Separability. If any section, paragraph, subdivision, clause, phrase or provision of this Local Law shall be held or adjudged invalid, unenforceable, or unconstitutional: such invalidity, unenforceability, or unconstitutionality shall be confined to the facts and circumstances giving rise to such determination or holding and shall not apply to other facts or

circumstances; and/or such part shall be deemed severed from this Local Law and said invalid, unenforceable, or unconstitutional part shall not affect the validity of this Local Law as a whole or any other part or provision hereof.

Section 11. Limitation upon Town Liability. The Town of Caroline, and its officers, employees and agents, shall not be liable or responsible for any injury to persons or damage to property due to the Town's actions, or failures to act, under or pursuant to this Local Law, unless it is proven to a reasonable degree of certainty that such injury or damage was solely caused by a willful or intentional act of the Town, its officers, employees, and/or agents. This Section shall be construed and applied to the maximum extent permitted by law, and does not create any theory or claim of liability where none exists at law or in equity.

Section 12. Repealer. This Local Law shall supersede all prior Local Laws, ordinances, rules and regulations relative to the licensing and fee schedules of dogs within the Town of Caroline.

Section 13. Effective Date. This Local Law shall take effect the 1st day of January, 2011.

Adjourn

On a motion by Don Barber and seconded by Peter Hoyt, the meeting adjourned at 8:07 p.m.

Respectfully Submitted,

Jo Ann Reinhardt, Deputy Town Clerk
