

TOWN OF MARCELLUS
TOWN BOARD WORKSHOP MEETING MINUTES
Thursday, December 18, 2014

A Workshop Meeting of the Town Board of the Town of Marcellus, County of Onondaga, State of New York was held on Thursday, December 18, 2014 in the Town Hall, 24 East Main Street, Marcellus, New York. Those present were:

Mary Jo Paul, Supervisor
Kevin F. O'Hara, Councilor - arrived at 7:10
John Scanlon, Councilor
Karen Pollard, Councilor
Laurie Stevens, Councilor

Also present: Jim Gason, Town Attorney; Don MacLachlan, Highway Superintendent; Phil Coccia, Recreation Director; 3 Town Residents and Sandy Taylor Town Clerk.

Supervisor Paul opened the meeting at 7 P.M. with the Pledge of Allegiance to the Flag.

A motion was made by Councilor Stevens and seconded by Councilor Scanlon to amend the agenda by tabling the Time Warner Cable Agreement, and add the MAVES Financial Report.

Ayes – Pollard, O'Hara, Scanlon, Stevens and Paul Carried

Public Hearing: Dog Law:

Supervisor Paul asked if anyone had anything to say for or against the Dog Law. Mr. Southern asked about the length of leashes, being that most people now use the retractable leashes that go more than 6 feet. No one else had anything to say for or against the Local Law regarding the dogs so Supervisor Paul closed the public hearing at 7:25 PM.

The Abstract of Audited Vouchers was given to the Board Members as submitted by the Town Clerk, Abstract #12 B as of December 18, 2014 Claims # 141396 – 141409, 141418 -141420, 141422-141431, 141433 – 141445, 141447 – 141453.

	<u>Expenses</u>
General Fund	\$23,803.58
Highway – Town Wide	71,787.53
Highway – Part Town	2,614.60
Fire District	19,600.00
Water District	78.50
Trust & Agency	<u>5,711.51</u>
Total	\$123, 595.72

Councilor Stevens made a motion seconded by Councilor Scanlon to approve and pay the bills.

Ayes – Pollard, O’Hara, Scanlon, Stevens and Paul

Carried

Councilor O’Hara made a motion seconded by Councilor Pollard to make the following Fund transfers:

Youth Recreation Contractual 7310.4 to Recreation Salaries 7310.1 - \$5,000.00

Park Salary 7110.1 to Park Contractual 7110.4 - \$7,000.00

Ayes – Pollard, O’Hara, Scanlon, Stevens and Paul

Carried

Aramark: Jim Gascon, Town Attorney, looked over the Aramark contracts. He will be writing a letter to terminate the contact once the renewal date is up.

Time Warner Cable: Jim Gascon, Town Attorney, has not heard from Time Warner Cable yet regarding the Franchise Agreement. This is tabled until January 2015.

Pass Dog Law: Councilor Stevens made a motion seconded by Councilor O’Hara to adopt Local Law No. 3 – 2014 amending the Local Law No 1 of the year 1978, amending Local Law No 2 of the year 2007 and imposing restrictions on the keeping and running of dogs within specified areas of the Town of Marcellus, with the following Amendment. Under Section 5a, “not longer than six (6) feet in length” will be omitted from that section.

Ayes – Pollard, O’Hara, Scanlon, Stevens and Paul

Carried

Proposed Local Law No. 3, of the year 2014, A Local law Amending Local Law No. 1, of the year 1978, amending Local Law No. 2 of the year 2007, and imposing restrictions on the keeping and running of dogs within specified areas of the Town of Marcellus.

Section 1. Purpose

The Town Board of the Town of Marcellus finds that the running at large and other uncontrolled behavior of licensed and unlicensed dogs has caused damage to property and created nuisances within the Town of Marcellus. The purpose of this Local Law is to protect the health, safety and well-being of persons and property by imposing restrictions on the keeping and running of dogs within the Town of Marcellus.

Section 2. Authority

This Local law is enacted pursuant to the provisions of section 122 of article 7 of the Agriculture and Markets Law of the State of New York.

Section 3. Title

The title of this law shall be, “The Dog Control Law of the Town of Marcellus” as amended.

Section 4. Definition of Terms

As used in this local law, the following words shall have the following respective meanings:

a. Agriculture and Markets Law. The Agriculture and Markets Law of the State of New York in effect as of the effective date of this local law as amended and as amended thereafter.

b. Confined. That such dog is securely confined or restrained and kept on the Owner's premises, whether within a building, kennel or other suitable enclosure or securely fastened on a chain, wire or other effective tether of such length and so arranged that the animal cannot reach or endanger any person or any adjacent premises or on any public street, way or place, or, if the animal is being transported by the owner, that it is securely confined in a crate, or other container, or so restrained in a vehicle that it cannot be expected to escape.

c. Dog. Dog shall mean male and female, licensed and unlicensed, members of the species *Canis familiaris*.

d. Dog Control Officer. Any person authorized by the Town Board of the Town of Marcellus from time to time to enforce the provisions of this local law or the provisions of the Agriculture and Markets Law.

e. Owner. The party purchasing the license, unless the dog is or has been lost, And such loss reported to the dog warden and reasonable search has been made. If an animal is not licensed, the term of "owner" shall designate and cover any person or persons, firm, association or corporation, who or which at any time owns or has custody or control of , harbors, or is otherwise responsible for any animal which is kept, brought or comes within the Town of Marcellus. Any person owning or harboring a dog for a period of one (1) week prior to the filing of any complaint charging a violation of this local law shall be held and deemed to be the owner of such dog for the purpose of the local law. In the event any dog found to be in violation of this chapter shall be owned by a minor, the head of the household in which said minor resides shall be deemed to have custody and control of said dog, shall be deemed the "owner" of said dog, and shall be responsible for any acts of the said dog and any violations of this local law.

f. Recreational Areas. Recreational areas shall mean any real property owned by the Town of Marcellus, which is used for recreational purposes by the public including, but not limited to, parks or playgrounds.

g. Run at large. Run at large shall mean to be in a public place or on private lands without the knowledge, consent and approval of the owner of such lands.

h. Harbor. To provide food or shelter to any dog.

Section 5. Leash Law

It shall be unlawful for any owner of any dog in the Town of Marcellus to permit or allow such dog, within the area of the Town of Marcellus known as Marcellus Knolls comprising of Antoinette Drive, Aqua Drive, Candlewick Lane, Cranapple Drive, Goldrush Drive and Roman Avenue; the area of the Town of Marcellus known as the Browsing Lane-Deer Path area, being all parcels that adjoin Browsing Lane, Deer Path and Deer Path Circle; the area of the Town constituting the grounds of the Marcellus Elementary School, Middle School and High School; and the recreational area of the Town of Marcellus, known as the Marcellus Park to:

a. Run at large unless the dog is restrained by a leash, cord or chain, and attached to a fixed immovable object or held by a person of size, strength and ability to effectively control the movements of such dog.

Establishment of the fact or facts that a dog has committed any of the acts prohibited by section 5 of this local law shall be presumptive evidence against the owner or harborer of such dog that he/she has failed to properly confine, leash or control his/her dog.

Section 6. Nuisance Law

It shall be unlawful for any owner of any dog in the Town of Marcellus to permit or allow such dog, within the Town of Marcellus to:

a. Engage in habitual loud howling, barking, crying or whining or conduct itself in such a manner so as to unreasonably and habitually disturb the comfort or repose of any person other than the owner of such dog.

b. Uproot, dig or otherwise damage any vegetables, lawns, flowers, garden beds, or other property not belonging to the owner of such dog.

c. Chase, jump upon or otherwise harass any person in such a manner as to reasonably cause intimidation or fear or to put such person in reasonable apprehension of bodily harm or injury.

Section 7. Enforcement

This local law shall be enforced by any dog control officer or peace officer when acting pursuant to his/her special duties.

Section 8. Seizures, Impoundment, Redemption and Adoption

a. Any dog found in violation of the provisions of sections 5 or 6 of this local law may be seized pursuant to the provisions of section 117 of Article 7 of the Agriculture and Markets Law. Said provision of the Agriculture and Markets Law shall govern the seizure, redemption, impoundment, fees and adoption of dogs as more fully set forth therein.

b. Every dog seized shall be properly cared for, sheltered, fed and watered for the redemption periods set forth in section 117 of the Agriculture and Markets Law.

c. Seized dogs may be redeemed by producing proof of licensing and identification pursuant to the provisions of article 7 of the Agriculture and Markets Law and by paying the impoundment fees set forth in section 117 of said article.

d. If the owner of any unredeemed dog is known, such owner shall be required to pay the impoundment fees set forth in subdivision (4) of this section whether or not such owner chooses to redeem his/her dog.

e. Any dog unredeemed at the expiration of the appropriate redemption period shall be made available for adoption or disposed pursuant to the provisions of section 117 of Article 7 of the Agriculture and Markets Law.

f. No action shall be maintained against the Town of Marcellus, any dog control officer or peace officer when acting pursuant to his/her special duties, or any other agent or officer of the Town of Marcellus or person under contract to said Town of Marcellus to recover the possession or value of any dog, or for damages for injury or compensation for the destruction of any dog seized or destroyed pursuant to the provisions of this local law or the Agriculture and Markets Law.

g. Nothing in this local law is intended to conflict with or limit in any way the rights and obligations set forth under Article 7 of the Agriculture and Markets Law and in event of a conflict the provisions of Article 7 of the Agriculture and Markets Law shall prevail and superseded the provisions of this local law.

Section 9. Appearance Ticket

Any dog control officer, peace officer when acting pursuant to his/her special duties, or police officer in the employ of or under contract with the Town of Marcellus observing a violation of this local law in his/her presence shall issue and serve an appearance ticket for such violation.

Section 10. Complaint

a. Any person who observes a dog in violation of this local law may file a complaint under oath with a Town of Marcellus Town Justice specifying the nature of this violation, the date thereof, a description of the dog and the name and residence, if known, of the owner of the dog.

b. Upon receipt by the Town Justice of any such complaint, he/she shall summons the alleged owner to appear in person before him/her for a hearing, at which both the complainant and owner shall have an opportunity to be represented by counsel and to present evidence. If, after such hearing, the Justice decides that further action is warranted, he/she may order:

1. The dog to be declared a vicious or dangerous dog to be restrained by collar and leash at all times whether on or off the owner's property.

2. The dog to be confined to the premises of the owner.
3. Such other remedy as may be warranted by the circumstances in such case, and as may be authorized by Article 7 of the Agriculture and Markets Law.
 - c. A violation of any order issued by a Town Justice under the provisions of this local law or under the provision of Article 7 of the Agriculture and Markets Law shall be an offense punishable, upon conviction thereof, as provided in section 11 of this Local Law.

Section II. Penalties

A violation of this section shall be punishable, subject to such an election, either:

- a. Where prosecuted pursuant to the penal law by or on behalf of the Town, or pursuant to Article 7 of the Agriculture and Markets Law, by a fine of not less than twenty-five dollars, except that (i) where the person was found to have violated this section or Article 7 of the Agriculture and Markets Law within the preceding five years, the fine may be not less than fifty dollars, and (ii) where the person was found to have committed two or more such violations within the preceding five years, it shall be punishable by a fine of not less than one hundred dollars or imprisonment for not more than fifteen days, or both; or

- b. Where prosecuted as an action to recover a civil penalty, by a civil penalty of not less than twenty-five dollars, except that (i) when the person was found to have violated this section or Article 7 of the Agriculture and Markets Law within the preceding five years, the civil penalty may be not less than fifty dollars, and (ii) where the person was found to have committed two or more such violations within the preceding five years, the civil penalty may be not less than one hundred dollars.

Section 12. 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 13. Repealer

This local law shall supersede all prior local laws, ordinances, rules and regulations relative to the control of dogs within the Town of Marcellus and they shall be, upon the effectiveness of this local law, null and void.

Section 14. Effective Date

This local law shall take effect upon filing with the Secretary of State of New York as provided by law.

\$50,000 Grant: Supervisor Paul spoke with someone from Senator DeFrancisco's office today and the Senator chose the Brewer Road Bridge for the \$50,000 Grant. The project is a total of \$89,000, with the grant, the cost to the Town will be \$39,000.

Service Awards: The Town received from the Marcellus Volunteer Fire Department, Inc. the list of 28 members that qualified for the Service Awards Program. The total Amount owed to the Service Awards Program is \$19,600.

MAVES: Supervisor Paul has asked MAVES to come to the February Workshop Meeting to go over the financials with the Town.

Department Updates:

John Houser, Codes Officer:

Codes Update for 2014

120 permits issued to date this year and 111 issued last year. The top 3 permit types issued are decks at 24 issued, sheds at 21 issued and additions at 11 issued.

7 certificates of occupancies issued this year and 12 issued last year

27 complaints investigated

61 violations issued to date and 5 remain open violations

3 stop work orders issued

The New York State Uniform code is going to be proceeded by the International Code next year around June, the substantial changes will be with the energy code and introducing residential sprinklers.

Deb Williams is doing a great job as the Town of Marcellus Fire Inspector and helping me with other tasks as well. I have received many compliments from business owners who appreciate Debs professionalism and demeanor while performing the inspections for the Town. Several people in our operations here at the Town hall already have benefitted from Debs long service and experiences with Codes at Skaneateles.

Phil Coccia, Recreation Director, stated that on Dec. 2, they started having cards, games and coffee at the Welcome Center. About 8 – 10 people showed up. This will go on until March. There have already been reservations taken for Pavilions for 2015. The bills for these will go out after the first of the year. After January, Phil Coccia, will start working on the summer trips and concerts.

Don MacLachlan, Highway Superintendent, stated that Pat Scanlon has trucked all the dirty dirt from the spill to the Ontario Landfill.

Supervisor Paul's updates:

Supervisor Paul spoke with Shannon from Dermody, Burke & Brown, and stated that 2010 audit will have to be resubmitted. The cost to the Town right now is approximately \$1,700. The total cost will probably be between \$3,000 and \$5,000.

Supervisor Paul had a conference call with the Country regarding the Property Tax Freeze Credit Guidance.

Banking: Jim Gascon, Town Attorney, has reviewed the contract with Solvay Bank and has given the okay for Supervisor Paul to sign it. Key Bank is now trying to match Solvay Banks no charges and total deposit of \$750 Thousand.

Liaisons: Supervisor Paul asked the Board about appointing Liaisons again, either for all departments or departments without elected Officials as a Dept. Head.

1. Park & Rec
2. CEO/Plan/Zoning
3. Assessor
4. Dog Warden
5. MAVES and Fire Dept.

IRS denied Lori Petrocci's request, on behalf of the Town, to have penalties waived for incomplete IRS submissions dating back to 2011.

A Big Thank You goes to the following:

Matt Kehoe – Christmas tree
Chuck Paul – Wreaths on the Town Hall
Laurie Stevens – filling in on the Town Board

At 8:45 PM Supervisor Paul stated that the Board would be going through the handbook. At this time the Town Clerk has left the meeting.

Respectfully Submitted,

Sandy Taylor
Town Clerk

Supervisor Paul stated that at 10:20 Councilor Stevens made a motion to adjourn the meeting with a second by Councilor O'Hara.

Ayes – Pollard, O'Hara, Scanlon, Stevens and Paul

Carried