

**PUBLIC HEARING**  
**"Local Law No. 1 of 2017 Dog Control and Licensure Law"**  
**TOWN BOARD**  
**TOWN OF STEPHENTOWN**  
**June 12, 2017**

The Regular meeting of the Town Board, Town of Stephentown was called to order by **Lawrence Eckhardt** at **7:03 PM** at the Town Hall.

**MEMBERS PRESENT:**

**( X ) Supervisor Lawrence Eckhardt**  
**( X ) Councilman Chris Demick**  
**( X ) Councilman William Jennings**  
**( X ) Councilman Philip Roder**  
**( X ) Councilman Gerald Robinson**  
**( X ) Town Clerk Stephanie Wagar**

**( X ) Legal Counsel, Craig Crist (arrived 7:44pm)**  
**( X ) Town Justice, John Meekins**  
**( X ) Highway Superintendent, Alden Goodermote**  
**( X ) Dog Control Officer, Lynne Burns**

A quorum ( X ) was ( ) wasn't established.

4 from the Public were present

- *A DRAFT of the Proposed Local Law No. 1 of 2017 "Dog Control and Licensure Law"*

**MEETING OPEN TO PUBLIC COMMENT:**

*L. Eckhardt:* here to discuss proposed local law no. 1 of 2017 dog control and licensure law, Craig our attorney said he will be here tonight but he is running a bit late. The draft includes most of what we already have and some new verbage to include department of Ag and Markets law as part of our law, this is our first stab at this the attorney said it was a good first step. Lynne Burns the Dog Control Officer (DCO) and Bob Burns with Pondview Kennels are here. John Meekins is here he knows what we have been up against. Dealing with two different laws Article 7 of Ag & Markets which deals with licensing and seizure of unlicensed dogs and Article 26 which is animal abuse or dog abuse cases this is a different set of rules and regulations on who is in charge of the protocols and procedures. Currently 2 days going on over a year and have put up a lot of money, in the short of it most towns can't recover it so the taxpayers are out on the limb for these boarding fees. Ag & Markets allows for some protocols so it does not put the town in financial risk. If the process is going to go through the court system then they have to set up a payment process to the kennel that is holding the dog. Looking to update our current law to follow the Ag & Markets.

*J. Meekins:* racking up bills, and for what? If a dog is unlicensed and they have the 4 to 7 days to contact the owner

*L. Eckhardt:* believe it is 7 or 9 days if there is a weekend or something involved.

*J. Meekins:* if it is a verbal contact I believe it is less, 7 days mailed and probably if a weekend is involved 10, if the person doesn't pick the animal up could the town put it up for adoption?

*B. Burns:* no problem with Article 7, it's Article 26 which is the court system which the dog is evidence, those dogs have been in the kennel for over a year as evidence under the court no body from the court system has ever, those dogs could have been released 5 days after but the court didn't release them until June 9<sup>th</sup>.

*L. Eckhardt:* June 6<sup>th</sup>. This is where things get complicated. If the dog is malnourished and six weeks later the kennel has the dog in good health and looks good to the court

*J. Meekins:* if a vet looks at the dog and the charge is going to be animal cruelty and the kennel nourishes the dog then it should be put up for adoption.

*B. Burns:* No, if the owner wants the dogs then we can't release the dog until proven guilty, but if he is found innocent in the case like this case then he is entitled to the dogs, the problem is we need to have correlation with the town the police and the courts.

*L. Eckhardt:* believe that's what we are trying to do with this law. Calls and correlation, step 1 the court has issued a warrant or the police have arrested, dismayed by the lack of communication with the state police and the reason the case got as far as it did.

*G. Robinson:* not a lawyer, when this case came up it seemed wrong, but understand there is a legal process and evidence

*J. Meekins:* the evidence is the damage to the dog in the condition in which it is found if that's documented by a vet and someone is able to testify than that's it, the dog should be nourished back to health and should be released for adoption, and that's it if these people are willing to do this to an animal than they don't want them.

*L. Eckhardt:* or the court can say you can't have it back.

*J. Meekins:* yes

*G. Robinson:* it's in the law that the Town of Stephentown is responsible for paying and holding this animal for evidence or whatever reason, all this does is provide an upfront protection payment for the owner that says we can estimate the cost of keeping these dogs for 31 days and we can seek through the town court or the attorney general a petition that for the amount of money that estimate would be for holding the dog. Now if the court case is settled prior to the 31 days than the owner gets back the difference. But when we get up to the hundreds and thousands of dollars we don't have any standing in the court and we weren't even aware this was going on, all I'm trying to do here is give the town some standing in the process and if we are going to be held responsible for the financial care of the dog then we want someone upfront so that we don't get hundreds of thousands of dollars in arrears and then the court case gets decided and we don't have any standing in it we don't have any recourse

*B. Burns:* also give the town and court some leverage the DA can turn around and ask for a \$1,500 bond if the owner says I don't have \$1,500 then they would be required to surrender the dog and the dog would be gone.

*L. Burns:* here's the problem bonds were submitted and where they went I don't know, when I was here in June when I was doing Article 7 I asked about the bonds and I was denied.

*B. Burns:* everything on this end has been done the way it was supposed to be.

*J. Meekins:* dog Broccoli – I specifically stated and said when I wrote the seizure the dog is to be released within 4 to 8 days.

*L. Burns & B. Burns:* you can't do that, it's a seizure order.

*J. Meekins:* you said it's a cruelty case.

*B. Burns:* right

*J. Meekins:* but there has been no case held in our court called a cruelty case.

*B. Burns:* explains the situation with Broccoli, owner moved, dog jumped fence landlord put dog back in, she called said the dogs hasn't been fed in 3 or 4 days. Lynne can't go get the dog because the dog was on its property, licensed, and updated rabies so the state police have to come do this.

*L. Eckhardt:* put in context with what we are trying to do with our local law, that each of these steps are followed through on, is the town board supposed to step up and ask the court is they have received this or the dog control officer have they received this, this should not be our job as the town board

*J. Meekins:* if you put this in place then you are out of it, then it's up to the court, police, dog owner and the pound.

*B. Burns:* we are not the pound, we just shelter the dog and make sure it is taken care of, that's the only thing I can do, I can't go look for the owners, I'm strictly a holding facility, and Article 26 has nothing to do with the Dog Control Officer.

*L. Eckhardt:* Gerry said it well we are trying to protect the taxpayers' funds so we are not out all this money in months or years down the road.

*B. Burns:* the owner of the current case with the Husky called and he doesn't want the dog, he thinks we picked the dog up off the road, I called the police neither one got back to me, the owner told me verbally he wants to surrender the dog, so now it's in the courts hands to give me something as the shelter to release that dog for adoption.

*B. Jennings:* but how would they know?

*B. Burns:* because right now I still have a seizure order.

*B. Jennings:* John doesn't know you heard verbally from the owner that they want to surrender the dog.

*B. Burns:* it's a catch 22

*NOTE:* people talking over each other and multiple conversations – not able to understand.

*L. Burns:* Called Larry to give an update, tried to follow up with the Trooper. Sent emails to Larry and Chris because the trooper had talked to me I don't know if he issued an arrest warrant I can't do their job.

*J. Meekins:* set up a process, you come to the court and tell us he surrendered the dog, I will give you an order to release the dog for adoption.

*P. Roder:* little confused with the most recent case involving the Husky, received emails that were stating an unlicensed dog until we got here and now it's another cruelty case.

*L. Eckhardt:* thought it was an unlicensed dog as well.

*B. Burns:* months ago he came in and go the dog licensed because we had picked up the dog before.

*P. Roder:* the emails that were sent to the town board were regarding an unlicensed dog, not sure how many correspondence I am supposed to receive or not receive, but I figured it was an unlicensed dog and we were just keeping up with better communication on what is going on, all the sudden I get here and it's a cruelty case and nowhere did I read picked up an unlicensed dog and it's also a cruelty case.

*Flint:* who are the emails from?

*B. Jennings & P. Roder:* Lynne

*L. Burns:* actually the last email sent says Husky Abuse Case.

*P. Roder:* who did you send that to?

*L. Burns:* Chris and Larry

*L. Eckhardt:* Communication protocol what are the steps

*P. Roder:* is this the Broccoli case?

*L. Burns:* this isn't me, I'm not Article 26

*L. Eckhardt:* *(interrupts to speak and break up everyone talking over each other)* at the very last page really asks that the DCO investigates and report to the town justice. This is talking about the DCO seizure and impoundment, we need to have some communication. Understand what you are saying that Article 7 says this and Article 26 says this, but I think the Town Board is telling you that we want the DCO to communicate with the Court.

*L. Burns:* and I have, I sent it to you and I sent it to Chris.

*L. Eckhardt:* the Court

*L. Burns:* and I sent it to the court.

*L. Eckhardt:* we have issues with protocol that's what we are trying to resolve. And change in the dog control law.

*B. Burns & L. Eckhardt:* discusses communication issue between the troopers and the court and all parties involved in these cases.

*J. Meekins:* no supporting paperwork for cruelty. Notify the troopers that after 5days the dog is going to be released from the kennel.

*B. Burns:* references the last case the owner is responsible of the dogs left even if there is someone there to take care of them.

*P. Roder:* why are we keeping a dog when it takes months to get paperwork?

*L. Burns:* it's not part of her job to make sure the trooper is doing their job.

*B. Burns:* it can be put in the Town Laws, if the dogs are healthy we can release for adoption.

*A. Goodermote:* let the owner foot the bill if they refuse to foot the bill they don't want the dogs release them.

*C. Demick:* questioned if the attorney was going to be present soon

*A. Goodermote:* yes, he's on his way.

*L. Eckhardt:* Would like for Gerry, John and Craig to sit down and come up with something to make sure the Town is not footing this kind of money. We can have a stricter law than Ag & Markets but not laxer.

*J. Meekin:* there is no point in holding the dog for this period of time, it is no longer evidence and will not be called into court to testify.

*L. Burns:* giving away someone's property.

*L. Eckhardt:* Craig has arrived, introduces attorney Craig Crist, catches Craig up on what he has missed, asks him to sit down with Gerry and John, states we cannot expect the taxpayers to keep paying this kind of money, there has been little to no paperwork supporting cases.

*P. Roder:* no paperwork from the trooper so we are stuck with the dogs.

*C. Crist:* unacceptable, in other municipalities the dogs are either euthanized or adopted out.

*B. Jennings:* discusses the issues being presented with Article 26, Troopers are now considering cases cruelty.

*L. Eckhardt:* discusses the length of time it took to get actual paperwork and tickets, it was only verbal through the DCO for months that it was a cruelty case.

*B. Jennings:* questions if we can set something up like Article 7, in Article 26 that if proper paperwork is not filed in a timely manner we can release the dog, the court states after 3 days the dog is no longer considered evidence, makes no sense to hold the dog.

*J. Meekins:* agrees, the dog is not evidence.

*B. Burns:* if the owner wants the dog then we cannot release the dog.

*L. Eckhardt:* can the dog go back to the owner then?

*C. Crist:* will look deeper into this.

*L. Burns:* bonds were never issued.

*C. Crist:* will sit down with Gerry and then John

*L. Eckhardt:* discusses a procedure needs to be put in place that will work with the DCO and the Kennel whoever we work with

*S. Wagar:* questioned why a ticket was not issued when the trooper picked up the husky.

*L. Burns:* stated can't fix it, can't do the troopers job.

*C. Crist:* agreed paperwork should have been completed at that point.

*L. Burns:* Asked Judge Meekins if she could release the husky because they had an adopter.

*C. Crist:* refrained Judge Meekins from answering the question and explained it could be a hearing case in front of him and he cannot answer that question. More discussion on following up with Gerry and John on creating a more concrete law.

**MOTION TO ADJOURN AT 7:56 PM**

**MOTION BY: RODER**

**SECONDED BY: JENNINGS**

**VOTES OF: 5 AYE**

**0 NAY**

**\*\*A Workshop Meeting** is held every second Monday of every month at **7:00PM** at the Town Hall.

**\*\*The next Regular Meeting** of the Town Board, Town of Stephentown will be held on **Monday, June 19<sup>th</sup>, 2017** at **7:00 PM** at the Town Hall.

*Stephanie M. Wagar*

**Town Clerk**