

**REGULAR MEETING
TOWN BOARD
TOWN OF STEPHENTOWN
SEPTEMBER 18, 2017**

The Regular meeting of the Town Board, Town of Stephentown was called to order by **Lawrence Eckhardt** at **7:08 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) High. Superin. Alden Goodermote
(X) Town Attorney, Craig Crist (arrival at 7:50pm)

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

6 from the Public were present

AUDIT OF CLAIMS:

- Claim #262-17 through #285-17 in the amount of **\$11,401.68** from the **General Account**
- Claim #172-17 through #192-17 in the amount of **\$90,283.34** from the **Highway Account**
- For a **Total of \$101,685.02** were audited and approved by the Town Board.

MOTION BY: RODER

SECONDED BY: JENNINGS

VOTES OF: 5 AYE

0 NAY

Minutes of the **AUGUST 14,2017 PUBLIC HEARING on Local Law #1 of 2017 Dog Licensure Law and Local Law #2 of 2017 Dog Control Law** were approved by the Town Board as written.

MOTION BY: JENNINGS

SECONDED BY: ROBINSON

VOTES OF: 4 AYE

0 NAY

1 ABSTAINED (RODER)

Minutes of the **AUGUST 21,2017 Regular Meeting** were approved by the Town Board as written.

MOTION BY: JENNINGS

SECONDED BY: ROBINSON

VOTES OF: 3 AYE

0 NAY

1 ABSTAINED (DEMICK & RODER)

TOWN CLERKS REPORT: The Town Clerk turned over the sum of **\$1,136.20** to the Supervisor for the month of **AUGUST 2017**.

JUSTICE COURT REPORT: The distribution from the office of the State Comptroller, Justice Court Fund to the Town of Stephentown for the month of **AUGUST 2017** was **\$2,315.00**.

TRANSFER STATION REPORT: The Transfer Station deposited a total of \$_____ for the month of **AUGUST 2017**. - *B. Jennings:* will report August next month as the numbers are not finalized, August is the largest month for income since permits are due in August.

ACCOUNT TOTALS:

GENERAL \$186,112.27

HIGHWAY \$591,975.12

GENERAL RESERVE FUND \$250,423.34

HIGHWAY RESERVE FUND \$298,157.94

BEACON ESCROW \$ 885.19

BEACON ESCROW FOR PLANT (BOND) \$5,000 & \$70,000.

2nd Quarter Sales Tax \$68,570.27

Reimbursement for Summer Camp for Early Arrival in the amount of \$1,868.00

REPORT FROM THE TOWN BOARD:

P. Roder: planning committee is still meeting, and look like they are on track.

L. Eckhardt: Letter from the Seniors for Flu Shots October 5th, at 2:00pm by Appointment. Looking to have the Budget numbers put together this week.

S. Menhinick: Kim has been appointed as the Director of the Library on Thursday, so we have a new director, she has done great as the interim and glad she is willing to take it on.

L. Eckhardt: Aldie is there any report? Are you finished with chipsealing?

A. Goodermote: yes, but going to possibly pave our portion of CCC Dam Road.

P. Roder: is the culvert on Moore Hill getting replaced?

A. Goodermote: next year the bridge on Black River is getting replaced, would rather complete/replace the bridge than the culvert pipe, the grant funds have been a mess with sending the paperwork back for minor mistakes on their end.

P. Roder: is the County doing the bridge?

A. Goodermote: County is going to eat the cost but we will pay for the engineering fees. Rather the bridge at this point than the culvert, if we don't get an extension on the culvert then we don't but we are going to focus and worry about the bridge first.

L. Eckhardt: any other reports from the board before we go into resolutions?

No other reports

RESOLUTION #20 - 2017

ADVERTISE FOR SNOWPLOWING AT THE TRANSFER STATION & TOWN HALL, SHOVEL/SALT SIDEWALKS FOR 2017-2018

WHEREAS: the Town Board would like to Advertise for Snow removal at the Transfer Station and Town Hall including shoveling and salting sidewalks from November 1st, 2017 - to October 31th, 2018, and

WHEREAS: all interested parties must have at minimum a ¾ ton pick-up, and proof of insurance, now therefore be it

RESOLVED: that the Town Clerk is authorized to advertise for snowplowing at the Transfer Station and the Town Hall for the year 2017 - 2018 Winter Season. Bids are due to the Town Clerk by Friday, October 13th, 2017 at 7:00 PM. Delivered to the Town Hall or mailed to 26 Grange Hall Road, Stephentown, NY.

MOTION BY: ECKHARDT

SECONDED BY: ROBINSON

VOTES OF: 5 AYE

0 NAY

RESOLUTION # 21- 2017

ADVERTISE FOR THE 2018 BUDGET MEETINGS

WHEREAS: the Town Board would like to hold a workshop meeting regarding the tentative budget on Monday, October 9th, 2017 at 7:00pm and a Public Hearing regarding the Preliminary Budget on Monday, October 23rd, 2017 at 7:00pm here at the Town Hall, now therefore be it

RESOLVED: that the Town Clerk is authorized to advertise for the Budget Workshop on October 9th and the Public Hearing on October 23rd.

MOTION BY: DEMICK

SECONDED BY: ROBINSON

VOTES OF: 5 AYE

0 NAY

RESOLUTION # 22- 2017

**AUTHORIZING EXECUTION OF LETTER OF ENGAGEMENT WITH
THE LAW OFFICES OF CRAIG M. CRIST, PLLC**

WHEREAS: the Town Board is desirous of assigning various matters requiring legal attention to The Law Offices of Craig M. Crist, PLLC;

WHEREAS: a letter of engagement has been furnished for review and execution, now therefore be it

RESOLVED: the Town Supervisor is hereby authorized to execute such letter of engagement.

MOTION BY: JENNINGS
VOTES OF: 5 AYE

SECONDED BY: DEMICK
0 NAY

L.Echardt: asks Town Clerk Wagar to explain the changes in the Dog Licensure Law

S. Wagar: explains the changes to the Licensure Law, the licenses are an annual license to be renewed annually not every two years as stated in the local law that was just past, rabies vaccines are good for one or three years the licenses should coincide with the rabies vaccinations. Also initial licensing cannot be done through the mail, you must come into the Town Clerk's Office to have the initial license issued, the following year the license may be renewed through the mail if the rabies vaccination has expired a copy of the updated rabies vaccine must be sent in along with payment. Changes are bold in the attached law.

RESOLUTION # 23- 2017

PUBLIC HEARING ON AMENDING DOG LICENSURE LAW

WHEREAS: the Town Board has commissioned the drafting of a proposed amended Dog Licensure Law to effectuate a change in the licensure term, and

WHEREAS: the draft of the proposed amended Dog Licensure Law is annexed hereto as Exhibit A, now therefore be it

RESOLVED: the Town Board hereby calls for a public hearing to be conducted on the proposed local law which will be held on October 16, 2017 at 7:00 p.m. at Town Hall, 26 Grange Hall Road, Stephentown, NY 12168.

MOTION BY: ROBINSON
VOTES OF: 5 AYE

SECONDED BY: DEMICK
0 NAY

TOWN OF STEPHENTOWN DOG LICENSURE LAW

LOCAL LAW NO. 3 OF THE YEAR 2017

Be it enacted by the Town Board of the Town of Stephentown as follows:

1. Purpose.

The purpose of this Local Law is to provide for the licensing and identification of dogs as the Town Board finds that such licensure relates to the control and protection of the dog population and the protection of persons, property and domestic animals from dog attack and damage.

2. Authority.

This Local Law is enacted pursuant to the provisions of (Article 7) of the Agriculture and Markets Law and the Municipal Home Rule Law of the State of New York. To the extent this law is inconsistent with any other Town laws, including but not limited to Local Law No. 3 of 2010 **and Local Law No. 1 of 2017, laws which are replaced in their entirety with this law**, the terms of this law shall control.

3. Title.

The title of this Local Law shall be Town of Stephentown "Dog Licensure Law".

4. Definition of Terms.

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

(a) "Dog" means male and female, licensed and unlicensed, members of the specis canis familiaris.

(b) "Owner" means person entitled to claim lawful custody and possession of a dog who is responsible for purchasing the license for such dog unless the dog is or has been lost, and such loss was promptly reported to the dog control officer and a reasonable search has been made. If a dog is not licensed, the term 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 dog which is kept, brought or comes within the Town. Any person owning or harboring a dog for a period of one (1) week prior to filing any complaint charging a violation of this Local Law, shall be held in and deemed to be the owner of any dog found to be in violation of this chapter.

(c) "Town" means the Town of Stephentown.

All other definitions as set forth in the Agriculture and Markets Law are incorporated herein.

5. Licensing of Dogs.

(a) All dogs in the Town of Stephentown, unless exempted per Agriculture and Markets Law § 109(1) or otherwise, must be licensed with the Town Clerk by the age of four (4) months and are required to present a current Certificate of Rabies vaccination at the time of such application for licensing or the application for renewal of an existing license. The owner of each dog required to be licensed shall obtain, complete and return to said Town Clerk a dog license application together with the license application fee, any applicable license surcharges and such additional fees as may be established or hereinafter may be modified by resolution by the Town Board. Each license application shall also be accompanied by proof that the dog has been vaccinated against rabies.

(b) **All dog licenses will be for a period of one (1) year and will expire at the end of the twelfth (12th) month from the date of issue.**

(c) Fees for Licensing of Dogs. The fee for a spayed or neutered dog will be three dollars and fifty cents (\$3.50) annually, which includes the assessment of a one dollar (\$1.00) surcharge for the purpose of carrying out animal population control. The fee for an unsprayed or unneutered dog will be eleven dollars and fifty cents (\$11.50) annually for the license term. In addition to the foregoing, there shall be a three dollar (\$3.00) surcharge for each unsprayed/unneutered dog licensed for the purposes of carrying out the annual enumeration of the dog population.

A license for any guide dog, service dog, hearing dog, detection dog, war dog, working search dog, police dog and therapy dog is required, but no license fee shall be charged.

The Town Board may, by resolution, change any of the foregoing fees if it deems same necessary.

(d) In addition to the foregoing, a kennel license fee shall be required for a person to harbor four (4) or more dogs. **Such Local (Town) fee will be twenty five (\$25) dollars per year for four to ten dogs, a Local (Town) fee of fifty (\$50.00) dollars per year for eleven to twenty five dogs, and any kennels exceeding twenty five dogs a Local (Town) fee of \$100.00. A state surcharge is also charged and determined by the State Agriculture and Markets Department, \$1.00 per dog for spayed or neutered dogs and \$3.00 per dog for unsprayed or unneutered dogs.**

(e) The Town of Stephentown may contract with an animal shelter(s) to license dogs adopted by residents of the Town of Stephentown, allowing said shelter(s) to provide, accept and grant an application for a dog license made by a resident of the Town at the time of the adoption of a dog from said shelter(s) provided that such application is made in accordance with this law and the license fee, any additional fee and surcharge shall be remitted to the Town of Stephentown on or before the third day of the month following the month in which the license fee and additional fee and surcharge was received.

(f) All dog licenses may be purchased and obtained by visiting the Office of the Town Clerk **with proof of updated rabies vaccination and if the dog is spayed or neutered, certificate of proof is required.** Initial licensing must be obtained by visiting the office of the Town Clerk. When renewing a license by mail the appropriate fee must accompany the forms. Fees are non-refundable.

6. Seizure of Dogs at Large/Period of Impoundment.

Any dog found to be running at large in violation of sections 117 or 118 of the Agriculture and Markets Law, whether licensed or unlicensed, will be seized by the Dog Control Officer and such dog shall be properly fed and cared for until redeemed by the owner adopted or disposed of as provided by sections 117 and 118 of the Agriculture and Markets Law. The owner of any dog impounded by the Town of Stephentown shall be entitled to redeem that dog within five (5) business days, excluding the day the dog is impounded, provided that the owner produces proof the dog is licensed and identified and pays a fee of ten dollars (\$10.00) for the impoundment plus all costs incurred by the Town for such impoundment.

7. Penalties for Offenses.

A violation of this Chapter shall be deemed an offense against this Chapter, and any person convicted of such violation shall be liable to the penalty set forth in Section 118 of the Agriculture and Markets Law.

8. Severability.

Should any section or provision of this law be deemed to be unconstitutional or invalid by a court of law, such decision shall not affect the validity of this law as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

9. Repealer.

This Chapter shall supersede all prior Local Laws, Ordinances, Rules and Regulations relative to the licensure of dogs within the Town of Stephentown and all other matters specifically detailed herein and they shall be upon the effectiveness of this Local Law, null and void.

10. Effective Date.

This local law shall become effective upon filing with the Secretary of State.

BY BOARD MEMBER: L. Eckhardt

Whereas: the State retirement law requires that the town board establish standard work days for each position for the purposes of reporting to the retirement system, now therefore be it

Resolved: that the Town board of Stephentown sets the following standard workday hours:

Highway Superintendent and highway dept. employees 8 hours per day

All elected officials (*except* Highway Superintendent) –
Council, Town Clerk, Town Supervisor, Tax Collector, Town Justices 6 hours per day

All other appointed positions 6 hours per day

And further be it

Resolved: That the town of Stephentown will report the officials to the New York State and Local Retirement System based on their record of activities

SECONDED BY: P. Roder

VOTES OF: 5 AYE 0 NAY

MEETING OPEN TO PUBLIC COMMENT:

D. Flint: is the public meeting on the powerline going to be on October 9th, as well?

L. Eckhardt: need to still confirm this, we are not positive.

P. Roder: isn't this the companies job to hold a public meeting not the board?

B. Jennings: yes, they are only one of several groups that has put in a proposal, last we heard they have not been selected yet.

L. Eckhardt: if we invite them to speak we will invite the public.

P. Dibble: thought we were just doing the Budget Meeting on the 9th?

L. Eckhardt: correct, going to change the powerline meeting since they have not confirmed and hopefully we can confirm a date of when they will be holding the meeting.

B. Jennings: we can't have a public hearing without a resolution, but this meeting is for them to conduct it is not an official town meeting, it is informational.

Motion: Go into Executive Session 7:57 PM to discuss Attorney client information .

MOTION BY: ECKHARDT SECONDED BY: RODER
VOTES OF: 5 AYE 0 NAY

Motion: Come out of Executive Session 8:38 PM

MOTION BY: JENNINGS SECONDED BY: DEMICK
VOTES OF: 5 AYE 0 NAY

- **BUDGET WORKSHOP: OCTOBER 9TH, 2017 @ 7:00PM**
- **PUBLIC HEARING ON LOCAL LAW #1 OF 2017 DOG LICENSURE LAW – AMENDMENT OCTOBER 16TH, 2017 @7:00PM**
- **BUDGET PUBLIC HEARING: OCTOBER 23RD, 2017 @ 7:00PM**

MOTION TO ADJOURN AT 8:38 PM

MOTION BY: JENNINGS SECONDED BY: RODER

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, October 16th, 2017** at **7:15 PM** at the Town Hall.

Stephanie M. Wagar

Town Clerk