

**TOWN OF CANAJOHARIE
MONTGOMERY COUNTY**

September 11, 2014

The Town Council met for a regular monthly meeting at the Town Hall building, 12 Mitchell Street, Canajoharie, New York.

Present: Supervisor Herbert Allen, Councilpersons Judith Burgess, John Toomey, Jr., William Armitstead and Rodney Young; Bookkeeper Amy Kretser; Highway Superintendent David Hodge; Public: Robert Rocas

The meeting was opened by the Supervisor at 7:30, and the evening's agenda was presented

On a motion by Supervisor Allen, seconded by Councilman ARmitstead, the **agenda** was **unanimously approved**.

7:34pm Public Hearing- To hear comment on the proposed Resolution #12 and Local Law #3 to extend the moratorium for one year on the establishment and/or construction of kennels, pet breeding facilities, or puppy mills in the Town of Canajoharie. Mr. Rocas asks that the Town Board extends the moratorium until the County enacts their laws

-Supervisor Allen received a letter in support of the extension from the Humane Society

7:35pm Public Hearing closes

On a motion by Councilperson Burgess, seconded by Councilman Toomey, the **minutes** of the August meeting were **unanimously approved**.

Resolution #12 of 2014

RESOLUTION ADOPTING LOCAL LAW NO. 3 OF 2014, ENTITLED "A LOCAL LAW EXTENDING LOCAL LAW NUMBER 2 OF 2013, FOR A PERIOD OF ONE YEAR.

Sponsored by: Town Supervisor Herbert Allen

Seconded by: Councilman John Toomey

A LOCAL LAW ESTABLISHING A MORATORIUM ON THE ESTABLISHMENT AND/OR CONSTRUCTION OF KENNELS, PET BREEDING FACILITIES OR PUPPY MILLS IN THE TOWN OF CANAJOHARIE.

Local Law Number 3, of 2014 Attached

VOTING:	AYE	NAY	ABSENT
Supervisor Herbert T. Allen	<u> X </u>	_____	_____
Councilman William Armitstead	<u> X </u>	_____	_____
Councilman John Toomey, Jr.	<u> X </u>	_____	_____
Councilman Rodney Young	<u> X </u>	_____	_____
Councilwoman Judith Burgess	<u> X </u>	_____	_____

TOWN OF CANAJOHARIE, MONTGOMERY COUNTY, NEW YORK
LOCAL LAW NUMBER 3 OF 2014

TO EXTEND LOCAL LAW NUMBER 2 OF 2013 FOR
AN ADDITIONAL PERIOD OF ONE YEAR

Be it enacted by the Town Board of the Town of Canajoharie, Montgomery County, New York as Follows:

A LOCAL LAW ESTABLISHING A MORATORIUM ON THE ESTABLISHMENT AND/OR
CONSTRUCTION OF KENNELS, PET BREEDING FACILITIES OR PUPPY MILLS IN THE
TOWN OF CANAJOHARIE

Section 1. STATE OF LEGISLATIVE INTENT:

The Town of CANAJOHARIE is currently in the process of considering and implementing a Comprehensive Plan for the Town. The present regulations in the Town Code do not address the emergence of large scale kennels, pet breeding facilities or puppy mills. When unregulated or improperly regulated, these facilities can be detrimental to the health, safety and welfare of the dogs or other domestic animals in these facilities, to the public who will work in, patronize, visit, conduct business with or otherwise come in contact with or feel the effects of such facilities and to the environment.

Therefore, it is the intention of the Town Board to enact a moratorium on the establishment, placement, relocation, construction, enlargement, modification or erection of kennels, breeding facilities and puppy mills so that the Town Board can review the present Town, State and Federal laws and regulations pertinent to such facilities and of the environment and to implement regulations and/or local laws in accordance with the Comprehensive Plan.

Section 2 DEFINITIONS

- A. Town: Town of Canajoharie, County of Montgomery, New York
- B. Town Board: Town of Canajoharie Town Board
- C. Planning Board: Town of Canajoharie Planning Board
- D. Zoning Board of Appeals: Town of Canajoharie Board of appeals
- E. Code Officer: Town of Canajoharie Code Enforcement Officer
- F. Dog: Any member of the species *canis familiaris*, or as otherwise defined in the New York State Agriculture and Markets Law (section 108, as amended) or in the Federal Animal Welfare Act (7 U.S.C. 2131 et seq.).
- G. Domestic Animal. Any animal customarily used or kept as a pet, including but not limited to a cat, rabbit, hamster, ferret or guinea pig, or as otherwise defined in the New York State Agriculture and Markets Law (section 108, as amended) or in the Federal Animal Welfare Act (7 U.S.C. 2131 et seq.).

H. Kennel: Any premises or structure, where, for monetary compensation four (4) or more dogs or other domestic animals other than farm animals, male or female, over the age of four (4) months are bred, incarcerated or offered for sale. Kennel shall not include establishments where dogs are dropped off by their owners to be housed on a temporary basis or for grooming and are picked up by those same owners.

- I. Pet Breeding Facility any building or lot on which any of the following occurs
- 1) at least four (4) or more dogs or cats at any one time are bred or sold for commercial purposes; or
 - 2) any adult female dog or cat is bred more than once in any twelve (12) month period with the intent of selling or giving away said dog's or cat's pups or kittens or
 - 3) more than two (2) litters of pups or kittens are sold or given away in any twelve (12) month period.

J. Puppy Mill: Any large scale dog breeding facilities that operate under substandard breeding conditions that may cause the development of chronic health problems, temperament issues, and/or hereditary defects in puppies that come from such mills.

Section 3. MORATORIUM

A. The Town Board hereby enacts a moratorium which shall prohibit the establishment, placement, relocation, construction, reconstruction, enlargement, modification or erection of any kennel, pet breeding facility or puppy mill.

B. This moratorium shall be in effect for a period of one (1) year from the effective date of this Local Law and shall expire on the earlier of (i) the date one (1) year from said effective date, unless renewed, or (ii) the enactment by the Town Board of a resolution indicating the Town Board is satisfied that the need for the moratorium no longer exists.

C. This moratorium shall apply to all zoning districts and all real property within the Town.

D. Pursuant to this moratorium, the Planning Board shall not review any applications for kennels, pet breeding facilities or puppy mills, nor shall it grant any preliminary or final approval to any special use permit, site plan or subdivision which includes a kennel, pet breeding facility or puppy mill as part of the application.

E. Pursuant to this moratorium, the Code Officer shall not issue Building Permits or Certificates of Occupancy for any kennel, pet breeding facility or puppy mill.

F. Pursuant to this moratorium, the Zoning Board of Appeals shall not grant any approvals for any variance that involves the establishment, placement, relocation, construction, reconstruction, enlargement modification or erection of any kennel, pet breeding facility or puppy mill.

Section 4 EXCLUSIONS

This moratorium shall not apply to the following: Any facility operated by or under contract for the state, a county, a municipal corporation, or any other political subdivision of the state for the purpose of impounding or harboring seized, stray, homeless, abandoned, or unwanted dogs, cats, and other animals, any veterinary hospital or clinic operated by a

veterinarian or veterinarian which operates for such purpose in addition to its customary purposes; and any facility operated, owned, or maintained by a duly incorporated humane society, animal welfare society, or other nonprofit organization for the purpose of providing for and promoting the welfare, protection and humane treatment of animals.

Section 5 PENALTIES

Any person, firm, corporation, partnership, limited liability company or other legal entity which shall establish, place or relocate, construct, reconstruct, enlarge, modify or erect any kennel, pet breeding facility or puppy mill in violation of the provisions of this Local Law, shall be subject to:

- A. A fine not to exceed \$250.00 or imprisonment for a period not to exceed fifteen (15) days or both.
- B. A civil penalty in the amount of \$100.00 per day for each dog or domestic animal in any such prohibited facility for each day that such violation shall exist.
- C. Injunctive relief in favor of the Town to cease any and all such actions which conflict with this Local Law and, if necessary, to remove any construction, improvements, or related items or byproducts which may have taken place in violation of this Local Law; or
- D. Any other remedy allowed by law.

Section 6 ENFORCEMENT:

It shall be the duty of the Code Officer to enforce the provisions of this Local Law

Section 7 VALIDITY

If any clause, sentence, paragraph, section or part of this Local Law shall be adjudged by any Court or competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operations to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been ordered.

Section 8 EFFECTIVE DATE

This Local Law shall take effect immediately upon filing with the New York State Department of State and shall remain in force and effect for a period one (1) year from the date of such filing.

Section 9 NUMERICAL/LETTERING DESIGNATIONS

The chapter designations and numerical/lettering designations of the section and article(s) included in the Local Law shall be delegated to the discretion of general Code Publishers, which may renumber the chapter, sections and Article(s) included in this Local Law as necessary to accommodate incorporation of this Local Law in the Code of the Town of Canajoharie.

Public Comment-none

Old Business-Supervisor Allen presents to the Board pictures of the flood damage at the Town Garage.

Reevaluation-

Supervisor Allen recaps reevaluation meeting held September 10th with New York State, Montgomery County, Dan Colon, County Executive Matt Ossenfort, Real Property Director Sandy Frasier, and County Treasurer Sean Bowerman; It was discussed at this meeting as to how to inform the public. NYS will put on the informational meeting for the Town which will include Q & A from the public. Public Reevaluation Informational meeting set for October 9, 2014 at 7:00pm. NYS wants the Town to mail postcards to residents to inform them of the meeting.

-Supervisor Allen relays that Sole Assessor Ruszkowski is working on RFP's-Requests for Proposals with the assistance of Ms. Frasier and Bob Jacobs from NYS. Sole Assessor proposes she collect data with a hired helper; the other choice is to have the reassessment company do it. Councilman Young concerned about a local resident doing the data collection; Bookkeeper Kretser adds that any person hired to help would be entitled to unemployment after the collection is finished. Councilman Young opines to have the reassessment company do the data collection, Councilman Toomey agrees; Supervisor Allen will find out the difference in price between having the Sole Assessor with help do data collection vs. reassessment company

Budget Workshop set for September 25, 2014 at 7:30pm

Supervisor Allen received a letter of resignation from the Board of Assessment Review from Peggy Allen; Also, Gail Coppennoll cannot be on the BAR as she is the Village of Canajoharie Clerk; Need to find two new BAR members

Highway-Supervisor Allen informs the Board that the Town Garage sustained a lot of damage from the recent flood; Town Barn is not covered by flood insurance-the Town does not have flood insurance; It took 9 days for the barn to dry out

-Superintendent Hodge informs the Board that the new truck has been delivered
-Will receive a check for roof damage from insurance company shortly
-Propane tank was reset and reblocked by the current propane company after the recent flood at no charge; Superintendent Hodge is against owning the tank-discussion by Board regarding purchasing the propane tank; Superintendent Hodge will call propane companies for propane prices

Bookkeeper-

TOWN OF CANAJOHARIE
CASH REPORT AUGUST 31, 2014
(REVISED 9/10/2014)

CHECKING ACCOUNTS		MONEY MARKET ACCOUNTS	
General	\$ 15,354.53	General	\$220,573.79
Fire District	\$ 39.86	Highway Town Wide	\$ 55,708.38

(bookkeeper report continued)

Consolidated Health	\$ 15.28	Highway Part Town	<u>\$135,398.19</u>
Highway Town Wide	\$ 107,277.29	Total	\$411,680.36
Highway Part Town	<u>\$ 56,904.85</u>		
Total	\$ 179,591.81		

SAVINGS ACCOUNTS

Consolidated Health	\$ 1,503.22
Highway Cap Reserv	\$ 69,917.07
Gen-Cap Reserve	\$134,617.72
Gen-Sale of Land	<u>\$ 53,797.93</u>
Total	\$259,835.94

BUDGET TRANSFERS

FROM	TO	Amount
DA9950.9	DA5130.2 Equipment	\$10,000.00
DA 9060.B	DA5130.2 Equipment	\$ 3,000.00

Requests permission to transfer \$32,734.92 from Machinery Reserve into Highway Townwide to pay balance owed on new truck purchase

AMEND BUDGET

DA 2665 Sale of Equipment/scrap metal TO DA5130.2 Equipment \$1107.00

Balance in Machinery Reserve would be \$37,182.10

Motion to Pay Bills by Councilman Toomey, seconded by Councilperson Burgess, all in favor and **unanimously approved**

General Fund vouchers numbered 166 through 181 totaling \$32,530.18

Highway Fund vouchers numbered 198 through 221 totaling \$66,754.13

8:30-Councilman Toomey moves to adjourn meeting, seconded by Councilman Armitstead, all in favor, and **unanimously approved**.

Respectfully submitted
Laurie M. Vroman
Town Clerk